

MONON EXPRESS ROBBERY - OR, THE
CELEBRATED TRIAL OF CHESLEY
CHAMBERS

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THE
Monon Express Robbery
OR
THE CELEBRATED TRIAL
OF
CHESLEY CHAMBERS.

BY W. H. EAST,
BLOOMINGTON, INDIANA.

Carson & Hollenbeck, Printers,
Indianapolis, Ind.

"YOU CAN FOOL

All of the people part of the time, and part of the
people all of the time, but

YOU CAN'T FOOL

All of the people all of the time."



"A fool and his money are soon parted."

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INDIANAPOLIS :
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CHAPTER I.

It was one of those cold, dreary, windy nights in the latter part of the month of March, in the year 1885, that three men might have been seen silently gliding along one of the narrow dark streets of New Albany, Indiana.

The hour was a little after midnight; pitch dark, with a cold, drizzling rain falling. Just such a night as men select for a deed of darkness and crime.

There was not so much as a whisper uttered by the men as they cautiously crept along the street, one behind the other, until they came to a dingy-looking two-story frame building, standing some distance back from the street, which, if it could have been seen in the darkness, it would have been discovered to be in such a state of decay as to utterly prohibit the idea of any one living there. There was no light shining from any of the windows, and there was that unmistakable stillness that always pervades an uninhabited house. The house was almost entirely concealed from view from the street on account of the thick growth of pine and other shade trees, which were standing in the front yard.

They entered what had once been a front gate, but fencing and all had long since gone to rack and ruin ; proceeding to the house the men made no attempt to gain an entrance at the front part, but passing around the corner of the house, one of them taking a key from his pocket and unlocking a door at the rear end of the house, they entered, carefully relocking the door ; they passed into an adjoining room, from which a back stairs ascended ; without producing a light, they crept up the stairs, and unlocking a door on the second floor they entered a large room, fastening the door after them.

One of the men then went to the only window in the room and carefully pulled down an old blind. Then, for the first time, a light was made by one of the men producing a dark lantern from somewhere about his person, but before fully turning on the light he took a woolen blanket from a closet in the room and tacked it over the window. Getting another from the same place, he hung it carefully over the transom and door.

After taking all these precautions, and so far everything had been done with very little noise and without a word being spoken by either of the trio, the parties for the first time seemed to breathe easy and to feel that they might speak and act without being seen, or overheard.

In spite of the great caution used, the men

little dreamed that at some time in the near future their every word and act would be known to the public.

Lighting a lamp the men drew their chairs around a small table, which was placed near the center of the room, and before taking his seat one of them approached the closet and took from the shelf a large bottle of whisky and some glasses, and was taking them to the table when he was stopped by one of the others, who ordered him to put the whisky and glasses back, and said :

"None of that, Jim ; at least not now. We've got business to attend to first. If, after we get through with our work, you want to wet your whistle, I shant kick. I've no time to fool, and if I had, our heads should be cool for the planning of the job that I am going to propose, for if we try, and fail, there is a mighty good chance for some necks to be stretched, and for one I'm not just ready for that to happen to me. But let's get to work."

Before detailing the further acts and conversation of the parties a brief description of them and their surroundings will be necessary for a proper understanding of matters detailed further along.

The room where they had assembled was scantily furnished, a half-dozen split-bottomed chairs, two rough tables, and a very large, old

trunk, encircled by iron bands, which made it very strong and secure. The room had a press and an old-fashioned closet. A glance in the closet revealed the fact that almost any kind of tools used by the modern burglar was there stowed away, including several police clubs and sand bags. These tools were tossed in the closet in promiscuous confusion, and had the appearance of not having been in use for some time. In fact the room had all the appearance of a room habitually used by a class of burglars and robbers, and its location and isolation made it a very desirable rendezvous for that purpose. The three men were dressed much alike, wearing dark woolen suits, slouch black hats, and such clothing as is usually worn by the better class of laboring men.

The leader, and that he was a leader of men could have been seen by the keen observer at a glance, was almost six feet in height and built like an athlete, and a person could not but admire the straight-built figure and strong physical manhood that he possessed.

He had light hair, blue, or what most of the people call gray, eyes, but under strong excitement they would glow and change until they appeared almost black, high cheek bones and a thick, light, long, drooping mustache. His features were regular, and to the casual observer his face might make a favorable impression, but

to the close student of faces there would be seen a cold glitter and hard expression about his eyes and face that showed he would stop at no crime or cruelty to accomplish and carry out any purpose he might have in view, or be engaged upon.

His real name was, perhaps, unknown to his companions, but he went by the name of Charles Dock, which was doubtless assumed.

Such is the description of a man who not only planned, but successfully carried out, one of the greatest and most dastardly crimes of modern times; planned and carried it out when he must have known that in ninety-nine cases out of a hundred it would be certain death to attempt it. But we anticipate.

His companions were not remarkable, being the class of men that may be found in all large cities, criminals by nature and in a small way by practice. Yet, being cowards, and having only a limited amount of sense, they required some one to plan, some leader, before attempting any great crime; wholly without principle or conscience, they were ready for any sort of crime, so that they did not run too great a risk of being detected. These men went by the names of Jim Nason and Ben Mercer, and they were both stout, robust-looking men, with the exception that dissipation had left its sure traces and the men had begun to feel its effects, but not enough as yet to seriously mar their health. With this

understanding of their characters we may proceed.

The men spoke in low, cautious tones, and had anyone been listening outside of the room it would have been almost impossible to have overheard a word they said.

After the men had gathered a little closer around the table, the leader continued :

"Boys, you know I never ask you to meet me here unless I am on some lay, but first let me ask you if any of the "gang" know of this meeting and if any of them are likely to drop in on us?"

"No, Cap, none of them knows about this 'ere confab, leastwise we han't told 'em. We seed some of the boys down on the levee, but sed nothin' to 'em 'bout this 'ere meetin'; 'sides the boys are on ter 'nother job to-night, so Bill Muster told me," said Mercer.

"Good," Dock continued; "the job that I have on hands can be done by us three, and I've picked on you men from the rest of the gang because I know you fellows are true blue, and because we've already done some work together, but the chief reason was that you've both got sand in your gizzards and could be depended on in an emergency."

"We're ready to foller your lead, ain't we, Ben?" said Nason.

"Hope I'm never ter see ther back of my neck if we ain't," replied Mercer.

"This here job, boys," went on Dock, "is a big undertaking, but it's a thing I've been studying about for the last two months, and I've decided it can be done by us three if we use the right amount of caution and pluck. It's been my experience, boys, that it's no more risk to tackle a big job than it is to do so many little ones."

"Wall, what's your lay; we're ready to jine you," said Nason.

"Wait until you know what it is," said Dock. "It may be a harder job than you want to tackle. It will be no child's play, but, whether you go in, or I have to get some one else to fill your places, not a word of what passes here must ever be whispered outside of this room, for by the holy powers, if a man was to give me away I would kill him, if it took me the balance of my life.

"Now, for the lay. Have you noticed that I've been riding on the cars a good deal lately, and all my rides have been between this place and La Fayette, and these trips were not taken altogether for pleasure, but with an eye to business, and from what I have seen I have decided that some of these nights the express company will decide it has too much money to carry to the end of its line, and will have us to take

charge of the amount on hand. In fact, boys, I'm sure that we can make a big haul by tapping the express till."

The others regarded him with a good deal of surprise, for while they were capable of almost any kind of a crime and would not hesitate to even take human life in order to accomplish their purpose, the robbing of an express train was something beyond, a higher step in crime, than they had yet been engaged in. Their exploits heretofore had been the using of a sandbag, and the breaking in and robbing of a dwelling-house. But their hesitation was only for a moment, and they signified their willingness to join in by nods of approval as the leader proceeded.

"This job is something that will take more skill and pluck than anything we have been engaged in heretofore, but you know we can afford to take some risk for the chance of getting a big stake, say from fifty to one hundred thousand dollars."

"Well, you can just bet yer life that we're with yer on this lay," said Ben.

"Well!" continued Dock, "I believe we can do this, and do it so well that we won't be even suspected of having a hand in the work. I have studied the lay of the land on both sides of the railroad, all the way from here to La Fayette, and have about decided that a little this

side of Bloomington is the place to do the job. I had first thought of attempting the train going south, but after thinking about it and examining the ground, I find that it would be too near daylight when the train passes at any good point, so, have made up my mind that we will have to work the train going north; but this will be all right, only, if it was an express leaving Chicago, I could learn when they would carry a heavy 'swag.'"

"How would you do that, Boss?" asked Ben.

"Never mind how," answered Dock, "but I have a way, and I guess I can work it from Louisville about as well. Another reason for doing the job near this end of the road is our knowledge of the country, as it will help us to make our escape. Now, boys," he continued, "do you know the country well along about Harrodsburg, Mitchell and Bedford?"

"Yes," answered Ben, "we did a little job over in the 'State of Brown,' and was about there a good smart."

"Then," said Dock, "you know that there is a water-tank just the other side of Harrodsburg station, and the night express going north always stops there. This is where we must board the train. After leaving the tank there is an up-grade for several miles, and on both sides of the road there are hills covered with thickets and dense growth of timber. Good

points to make an escape when the work is done, and we must do the job as soon after leaving the tank as we can. Now men, have you a plan for the lay, or shall I give you mine?"

They both expressed themselves as having no plan to offer, but would do as he said. "Then," he continued, "my idea is this: We must go up there separately and stay apart, except when we meet, so as to be sure not to be seen. We will arrange signals for meeting before the time comes. We must be there three or four days before the night set, so as to get the lay of the land, and we may have to stay a day or two longer than we expect, waiting for a night when I will get word that the company will have enough on board to pay us; for this reason, we must each take enough grub to last a week, for we must be sure not to be seen by any one. When I give you the word that we are to do the job that night—and I won't know sooner than a little before night, myself, of that day—you want to be sure that you are concealed close to the tank, so that as the train pulls out you can get on the platform between the baggage and smoking car. If you should see me, do not speak to me nor pay the least attention to me, but get on without being seen."

"But what yer want us ter do when we git on?" inquired Nason.

"I was coming to that," answered Dock. "I

shall at once enter the baggage car, the door of which is hardly ever locked. What I want you to do is, that you will see that no one enters from the smoking car into the baggage car. This is all you will have to do, unless I should give you our danger signal. If I should give you this, you must rush into the baggage car at once and help me out; for if I should give you this signal you will know to a certainty that I have more than I can attend to. But I don't think I shall call on you," he continued, with a smile, "and only say this to you, if I am not able to get away with the two men who will be in the baggage car, you are to come to my help. You see you are not likely to have much to do. When I get into the baggage car I shall get the two fellows under control as soon as possible, and try for the boodle. When I get that I will ring the bell, and the train will commence to slow up, but before the train stops you must be off and concealed so no one can see you. Of course I shall get off and hide, and we will remain hidden until the train starts on. After the train leaves we will meet on the track, but only long enough to see that we are all safe, and will then separate, taking to the woods, and each try to make his way to St. Louis, and meet at the old place."

"But what er about the money? Shall we divide when we meet on ther track?" asked Ben.

"No," answered Dock, "It will be safer for

only one of us to take care of it, so that if either of the others are caught nothing will be found on them, and I think it will be better for me to keep the 'swag' and try and carry it safely through. I had thought it might be safer to bury it close about where we do the job, but it seems to me now that it will be better to carry it away, some distance, at least, for they will likely keep a close watch around there for a long time, and we might be caught when going back to get it. After I get away, if I find I am in danger I can conceal the money and afterwards we can go back and get it."

"But supposin' you get took, or wiped out, we ortend to lose ther money," said Nason.

Dock's lips curled and a frown overspread his face, but he said: "I don't expect to be wiped out; but we can fix that. We can arrange a cipher letter for me to leave for you in case I should get into danger."

"What do yer mean by er cifer letter," asked Ben.

"It means," said Dock, that we can arrange that certain figures and letters shall represent words, so that only the ones who know about it can read the letter, but we will have lots of time to arrange all this before we do the job. It will be at least a month before we can do the thing. We will have lots of time to perfect our plans, and we will need to have our work laid

out in good shape, for if we fail or get caught it means a rope around our necks or imprisonment for life. So you see, boys, that we've got to be awful careful in every move we make."

"We're under your orders, boss, and will do what yer say," they both exclaimed.

"All right, boys," said Dock, "I can fully rely on you, or I shouldn't have proposed to take you in this job, and the only conditions I shall make is that you let me be the 'boss,' that you shall not hesitate to do everything I tell you, and not stop to ask any questions."

This was consented to at once by both. "It will be best for all of us to separate," continued Dock, "and each go his separate way and finally try and meet in St. Louis as I said before, but it will not do for us to start direct for that place, as most likely the whole country will be on the lookout for us, that is, for the robbers. My impression is now that when I leave the track I will go east, and for a few days will be in the hills of Brown and Jackson. I shall travel altogether at night, sleeping in the day time, and you must do the same, and we must do this until we get to St. Louis. If you obey my instructions we can do this job and escape and no one ever suspect us. Another thing, boys; if for any reason either of you should be arrested, you must not 'blab.' If you keep a still tongue, nothing can be proved against you. You can let on like

you are a regular tramp and they will only hold you a short time and have to let you loose, as they will have nothing against you. I will be in the most danger as I will carry the money through. One of you had better start west and get in the hills of Green county as soon as possible, and the other can go in a southerly direction, but both of you must be careful to only travel of nights, and keep from being seen if possible. If we are lucky in getting the 'swag' from the express company I don't want to lose it by any careless work afterwards. But we will have lots of time to go into all the details before the job is ripe. While I don't drink much, I'd just as soon, after all this talk, have a nip, and I can see you boys are dry."

"Yer were never more right in yer life, Cap," said Ben.

And the way his companion hustled after the liquor and glasses showed their willingness to enter upon this part of the work. The glasses were quickly filled and emptied, and the glasses of Nason and Mercer were refilled and drank off, Dock refusing to drink again. The plan of robbing the express was again gone over, and the details were fully and minutely discussed. It was fully two hours later before they stopped discussing the matter and prepared to take their departure.

After setting the night for another meeting

they left the house, using the same caution as they did on entering. On reaching the yard they parted, each going his separate way. Any one watching this old house might have seen three shadowy forms about the hour of midnight entering this same back door, and after remaining two or three hours they would leave again, separating at the door as on the first night.

These meetings were continued two or three times a week until the last of the month of April, when they all at once ceased. On the night of the last meeting, if any difference, the men used more caution than at any previous meeting. It will only be necessary to listen to a small part of their conversation to let the reader see that the plan for robbing the train was not abandoned, but that the parties were about ready to try to commit the crime. The leader, or "Cap," as they called him, was speaking.

"The time has come, boys, when we are ready to leave here, to change our quarters to 'richer scenes.' I think we have arranged everything, and that we each know what we have to do. Some time about the middle of the week we will do the job. We can't tell just what night until we hear from 'Clarice,' but in the meantime we must make our way to Harrodsburg station, and get there without being noticed. I want both of you to be sure to be there by next Tuesday night, it depends on the word I get down

the road. If I should get word that there would be a heavy swag on board that night we will make the attempt then. If we don't get the word we must wait until we do, and when we get the information we must be ready.

" You must not forget the signals that we are to use to get together; remember we are to meet about one mile east of the tank at Harrodsburg, and if you get there first, you are to give the signal very cautiously and only at intervals, until we all get together. Be sure and take enough grub to last you several days, for whatever you do, you must not be seen in that locality. On this our whole safety depends, for as soon as the robbery is done it would get out that we had been seen and they might get on our track.

" Now, boys, we will bid good-by to this place and to-morrow night you must each start for Harrodsburg and reach there as soon as you can. I think I can manage to go up on the night train without being particularly noticed, but you had better try and get through without being seen by any one of the train men, or others as far as that is concerned. Any way, you had better work your way through as you will have plenty of time, and it's not a long trip. Now, boys, this is the last time I will see you until I meet you near the station, and I will then want to know if any one has taken particular notice of you. I want to be sure that when we enter the

train no one will remember to have seen us, and before leaving the room, let me say that if you will be careful and make no blunders we will succeed and no one be the wiser. On the other hand, a small mistake on the part of any of us will put us in the 'jug' and possibly our necks in the halter, and so I say again, be careful. This is all, boys, so we will say good-by at once, as it's late."

The three men then quietly shook hands and passed out of the room carefully locking the door after them. Descending the stairs, they passed out at the back door and immediately separated. How well they succeeded in perpetrating the crime they had so long and carefully plotted, will be seen further along in the perusal of this truthful history.

CHAPTER II.

DARING EXPRESS ROBBERY

MURDER FOR MONEY.

TWO MEN SHOT DOWN—A JESSE
JAMES CRIME.

Thousands of Dollars Stolen—Mur-
derers and Robbers Make
Good their Escape.

INDIANA THE SCENE OF THE CRIME.

Most Terrible Crime of Modern Times—
American Express Company Robbed
on the Monon.

A FEARFUL CRIME PERPETRATED ON THE
LOUISVILLE, NEW ALBANY AND
CHICAGO RAILWAY CO.

Such were the head lines that appeared in all the leading western papers on the morning of April 30, 1885.

The readers of those papers were terribly shocked at learning that one of the boldest and most daring crimes of modern times had been perpetrated, and to add to the horror of it, two men had been shot down while in the discharge of their duties to the American Express Company, and if anything could make the crime blacker and more horrible, it was the fact that the deed was committed for the sole purpose of gain and robbery, and these men were left weltering in their blood and believed to be dead.

A crime so bold in its conception and so terrible in its results, as to make the stoutest heart quake and tremble.

In no section of Indiana, or, for that matter, in the United States, are the people more peaceable and orderly than in the old county of Monroe.

The people there have always had a special pride and interest in the conduct of her citizens. Having a special pride in the conduct, reputation and good citizenship of her people, and, perhaps, no greater shock and surprise could have been given her people than to learn that this horrible crime had been committed within her borders. Almost within the shadow of the State University.

The place where the crime was committed was some ten miles south of Bloomington, Indiana, and about two miles north of Harrodsburg station.

The crime was committed on the north-bound night express, which passed Harrodsburg station between the hours of ten and eleven o'clock at night, and the first intimation that the people of Bloomington had that a crime had been perpetrated was when the express train arrived there that night, bringing the two wounded and bleeding men.

Immediately after it became known that a crime had been committed, the excitement in Bloomington arose to fever heat. Bells were rung, and soon a great crowd of people were assembled at the depot, anxious for news, and ready to render any assistance in their power to the wounded men.

Soon a special train was equipped and made ready, and a large number of citizens, police and officers of the law left Bloomington for the scene of the crime.

The perpetrators of the crime had well selected the place to commit the deed. No point on the line of the railroad was better suited for their purpose.

After leaving the tank at Harrodsburg station, there is a continuous up-grade for a distance of several miles, and the train necessarily makes

slower time than at some other points on the road; besides, soon after leaving Harrodsburg station, the train enters a creek or branch bottom, and as it winds along up the valley, the level land narrows down until the hills and bluffs almost jut against the track on either side, and only leaving a narrow strip on which the railroad company had laid its track. In fact the space at some points is so narrow that a person could almost step from the hills or banks on to the train.

The point where the train was stopped and where the robbers made good their escape was at a place known up and down the road as the "big rock."

This rock was known from one end of the road to the other, and was quite a point of interest, having the name of being the largest loose rock on the line of this road, and it was believed by many people that years and years ago, by some freak of nature, it had been thrown on top of the ground. Be this as it may, it was a place that was well known by all the employes of the railway company and others.

Just opposite the big rock was where the train was stopped, and where the robber or robbers left the train that night.

As we have said, the place was well selected by the robbers. On each side of the track were high banks and hills, covered by a dense growth

of timber and bushes, furnishing a good place of concealment for any one desiring to hide. It would only be necessary for any one getting off the train to step behind the trees or in the bushes, and be completely hidden from any one on the train. Getting off as the train slowed up, there was plenty of time to conceal themselves before the train came to a full stop.

On the train that was robbed that night Peter Webber was the baggage-master, and George K. Davis the express messenger. Both of these men were young, neither being over twenty-five years old. While the writer was not acquainted with either of these gentlemen before the date of the robbery, from what he learned then and since, he can truthfully say that a person would search a long time before finding better men than George K. Davis and Peter Webber, no men in the employ of the company who would do their duty more faithfully than these men. Sober, upright and honest, they were working their way to the front when this fearful crime was done.

The door leading from the baggage car to the platform—the rear door of that car—was, when it left the tank at Harrodsburg station, unlocked. Whether it was the custom to lock this door, or was left unlocked by accident, that particular night, we are unable to say, suffice it to say that the car doors were not locked on the night of the crime. It may have been left un-

locked in order that the conductor might pass in and out.

The express that was robbed only took on express matter at the large stations, county-seats principally, so that after leaving Bedford there was no express to take on or off until they arrived at Bloomington, and, therefore, scarcely any work for the express agent between those two points. The same was true of the baggage-master.

When this was the case, it was the custom for the baggage-master and express agent to get what rest they could between these stations. On this particular night they do not remember whether they went to sleep after leaving Bedford before they arrived at Harrodsburg station. Just after they left Bedford, the money and valuables were put in the safe and the messenger laid down on the safe. In the meantime Webber, the baggage-master, had made him a sort of bed in the rear end of the car by pulling some boxes together.

When they left the tank at Harrodsburg they were both lying down and very likely both of them were asleep. This is very probable from the fact that if either one of them had been awake, they would have seen and heard the robber when he first entered the baggage car.

As the train left the tank at Harrodsburg, a man standing very close to the baggage car, and

on the lookout, might have seen a dark, shadowy form rise up by the car, and, springing on the steps, immediately glide into the baggage car; but it was all done so quickly that the watcher might well believe it was nothing more than a freak of his imagination, but, alas, it was too true, and the person had entered the baggage car to perform his dark and devilish deed.

A moment after this, as the train slowly crossed the bridge and commenced to increase her speed, two dark forms stepped on the platform between the baggage and smoking car. Here they stopped and seemed to be on guard. Immediately after entering the baggage car, the person who had so quickly and cautiously entered the express car as it left the tank, took from somewhere about his person a large revolver which he held in his right hand, and it could then be seen that he carried a large, green hickory cane or club in his other hand. He stepped quickly forward until he was in reach of Webber, who was lying down, and dealt him a blow on the head with his club. The blow was hard enough to partially stun Webber and make him helpless for a short time.

The robber then turned his attention to Davis, and gave him a blow with his club, but the blow was a glancing lick and only staggered Davis. Before he could strike again Davis got on his feet and reeled toward the wall and reached for

his revolver. Just at this time the robber fired, and Davis fell to the floor bleeding and insensible. The man then dropped his club. Picking up Davis' revolver he turned to Webber, who by this time had partially recovered his senses, and pointing the revolver at him, and with an oath, ordered him to open the express company's safe.

Webber answered that "he had no key."

"Then get the key from him," pointing to Davis, "and no foolishness or you are a dead man," said the robber.

Webber hesitated only for a moment, seeing that the man would shoot him if he refused, and that he would brook no delay.

Stooping over Davis, Webber searched in his pocket, found the key and unlocked the safe.

The robber then commanded Webber to move back. Waiting until Webber had crossed the room, he then compelled him to face him. Still pointing the pistol at his head, with the other hand he rifled and robbed the safe, putting the packages of money carefully in his pocket.

The robber did not seem to be satisfied with the amount of money that was in the safe. He said to Webber that there were other packages concealed somewhere in the car. That he knew there was a large package of thirty thousand dollars in the car.

Webber assured the robber that there was no other package that he knew of.

The robber then said that if he did not show him where that package was he would shoot him dead on the spot, and that if he valued his life at all he must tell him where the package was without a moment's delay.

Webber answered him that if there were any more packages of money in the car he did not know it, and that he felt sure that there were none concealed in the car.

The robber answered him with an oath, that he knew there was a package concealed somewhere in the car, and he had better tell where it was. Webber answered that he knew nothing of it, and begged him for "God's sake" not to kill him.

The robber again in a fierce tone demanded of him to tell him where the package of money was, and when Webber again commenced to tell him he knew nothing about any package of money he did not wait for Webber to finish his statement, but fired his revolver and Webber fell to the floor shot and bleeding, shot through the head. This was the last Webber knew until he staggered towards the smoking car, where he was met by the conductor and some of the passengers. Immediately after shooting Webber the robber, with scarcely a glance around, sprang from the train.

However, before he left the train he hastily searched the car for any packages of money that he might have overlooked, but failed to discover any; with a muttered curse he turned to the bell-rope and gave it two or three quick jerks. This, of course, was all done before the train commenced to slow up; as we said before, as the train commenced to slacken its speed he jumped from the car and immediately concealed himself from view by darting into the timber and bushes which grew near the line of the railroad. Before the train had come to a full stop the two men on the platform had also disappeared.

By the time the train had reached a point opposite the big rock and where it came to a standstill Webber had sufficiently recovered so as to get on his feet and stagger along until he reached the door of the smoking car, where he was met by the conductor and several of the passengers, who, having heard the pistol shots, had started forward to see what was wrong.

When the conductor saw Webber, he started back with a cry of horror, and well he might, for Webber was a fearful sight to behold, his head and face being almost entirely covered with blood, and from his nostrils and mouth blood was also running.

Being almost entirely covered with blood, his appearance was well calculated to shock and terrify the stoutest heart.

As he reached the door of the smoking car he reeled and would have fallen had he not been caught by the conductor, who, with the assistance of some of the passengers, carried him to one of the seats in the "smoker," where he lay until the train arrived at Bloomington.

Leaving Webber in the smoking car, under the care of some of the passengers, the conductor, accompanied by several of the other passengers, made their way into the baggage car and here found Davis lying on the floor of the car, weltering in his blood. He was, when they reached him, insensible, and to all appearances dead, but on closer examination it was ascertained that his heart still beat faintly and that he was yet living. He was carefully raised and placed upon two of the seats, and made as comfortable as possible until the arrival of the train at Bloomington.

Here the two wounded men were conveyed to the Orchard Hotel, where their wounds were skillfully dressed by Doctors Harris, Maxwell and Bryan.

Davis continued still insensible, while Webber recovered enough during the night to give a description of the robber. His description will be given further along, when we come to detail the evidence of Mr. Webber.

On examination of the express car on that night, it was found that the safe had been completely rifled of its contents, and the contents of

the car were scattered around in promiscuous confusion, indicating that a hasty search had been made of it.

The wounded men were carefully nursed at the Orchard House until next morning, when they were conveyed to their homes on the south-bound train. It was believed by the physicians that Webber would in time recover from his wounds. As to Davis, it was thought that one of the shots had injured his brain, and that if he recovered at all his mind would be affected; and time, we are very sorry to say, has proved the prediction to be only too true; and to-day, as we are reliably informed, Mr. Davis is a mental wreck.

Nothing more horrible can be imagined than the fact of a crime being committed, the result of which deprives a young man of his reason, and compels him to live, so long as life shall last, as a mere nonentity, destroying his energies, his ambition and interest in life. It would not have been, perhaps, much worse for Davis, and certainly the crime would not have been greater, had the robber's aim been more true and Davis killed by the shot.

The description, as given by Webber, of the robber, was sent flying over the wires to all the cities, towns and way stations, where the lines of the telegraph system extended, and it was only a short time after the crime was committed

until officers, policemen and citizens were on the watch for the criminals in all the cities and towns in hundreds of miles of the scene of the crime.

It would seem to be impossible for the robbers to make their escape; that some one would see them and cause their arrest, and that this would occur in a few hours at the latest.

That there was more than one man concerned in the crime was discovered that night, for it had been learned that one of the passengers, when the train stopped at the "big rock," raised a window, and on looking out, distinctly saw three persons dart into the bushes and hide.

At the time the person raised the window and looked out, he was not aware that a robbery had been committed, and was only trying to ascertain the cause of the train stopping at that point, and he did not pay very much attention to the persons who hid themselves, and thought no more about it until he heard that the train was robbed at that point.

It was confidently predicted that the robbers would be caught in less than twenty-four hours from the time of the commission of the crime.

Indeed it was the unanimous opinion and was publicly predicted on the streets that the robbers could not possibly escape. But they all proved to be false prophets. Morning came without any new developments. Noon, and no trace of the robbers had been found. Hours glided into

days, and days into weeks, and yet the robbers had not been arrested.

It is true, that during this time more than one man had been arrested charged with the crime, but on being examined it was soon discovered that they were not the guilty parties.

The first man arrested was a tramp, who was stealing a ride on the engine that night, but it was at once evident that he was not guilty and could not have perpetrated the crime. He was held a few hours and then discharged.

The next person who was charged with the crime was one William Wright, a Monroe county boy. He was arrested at Terre Haute, Indiana, about a week after the date of the crime.

He was brought to Bloomington and lodged in jail.

There were two reasons given as the cause of his arrest. One was that he left his home, which was some five miles from the scene of the crime, without telling any one that he was going, or letting them know where he was moving to, and because he left the night of the commission of the crime.

He also filled the description, given by Webber, of the robber who entered the train.

After being confined in jail a few days, Wright was finally discharged, but not until another citizen of Monroe county had been arrested, namely, Chesley Chambers. We do not mean

that this new arrest was the cause of Wright's discharge, for we have no doubt that he would have been released anyway, but that it caused his release a few days earlier.

This last arrest was made on the day that Wright was released, and when it became known that Chesley Chambers was under arrest, accused of this dreadful deed, the excitement was greatly increased, and many persons refused to believe that he was in custody, and rushed to the court-house, where the arrest was made, to verify the news.

The friends of Chambers, and they were many, refused to believe in his guilt, and regarded his arrest as an outrage, and a large number gave vent to this opinion.

When a crime has been committed, there is a desire on the part of the officers of the law to charge some one with the commission of it, and the majority of the public feels that the officers are not doing their whole duty unless they place some one under arrest. They prefer that the guilty party shall be the one who is charged, but if this can't be done, some one must be suspected and arrested. At least a great many officers go on the theory that they must arrest some one to convince the public that they are at work and doing their whole duty.

On the other hand, there are a few officers who will not make an arrest until they feel that

they have proof of the person's guilt. We are speaking of officers who make arrests not on warrants given to them, but the ones who undertake to work up a case; amateur detectives, such as may be found in small towns and county-seats.

All lawyers have realized how difficult it is to acquit a person before a jury, charged with the commission of a crime, unless it can be shown by the evidence that some one else committed the crime. If this is not done, the jury reason that a great crime has been committed and that it ought to be punished, and as the evidence fails to point to any one except the one on trial, they think he is probably guilty, and so say by their verdict.

There were many theories advanced as to who perpetrated the Monon robbery, but nearly all believed it to have been hardened criminals, men old in crime, persons who had been criminals for years and had become reckless and desperate, so that they had lost all timidity and feeling and were prepared for any kind of a desperate deed, if the hope of plunder was sufficient.

And the man who entered the baggage car that night was certainly a daring and desperate man, knowing as he did that he was going to attempt the robbery of a safe guarded by two men, both armed to the teeth, and men placed there for the purpose of being on the lookout for robbers. If his purpose was to kill both the

baggage-master and express agent, while killing one the other would most likely kill him, or his pistol might miss fire, or he might make a bad shot, at one or both of the men. Many things might occur to affect his shooting, and in that event he would be sure to be killed.

When the robber entered the baggage car that night, the chances were that he would not leave it alive.

CHAPTER III.

Some ten days prior to the time of the last meeting of the men at New Albany a scene takes place which concerns and connects itself with the great robbery.

Seated in the parlor of a house situated on one of the residence streets of Louisville, Ky., is a very beautiful woman. Young, not more than twenty years can have passed over her head. A woman who would attract attention anywhere. She had black hair, deep blue eyes, fair complexion, and so perfect in form and features as to rivet the attention of any one even in that city, which is and has always been celebrated for its beautiful women. The room where she was seated indicated not only wealth, but that the furniture had been selected by some one of taste and culture. Not only was the furniture expensive, but it showed such harmony and beauty in its furnishing as to show at a glance that its selection had been made by a person of skill and refinement. The young lady had an expectant look, and seemed to be waiting for some one. She had only been in the room a few moments when the door bell rang, and a gentleman was

ushered into the hall, who immediately entered the room where she was.

Closing the door carefully they greeted one another in a familiar and affectionate manner, showing that they were old acquaintances and lovers, if not more closely related. The reader may be informed at this point that the gentleman was the same who had been called "Cap," or "Dock," at the meeting in New Albany.

Seating themselves together on a sofa, they conversed for some time on matters not connected with this history. Finally Dock turned to the woman and said :

"Now, Clarice, tell me what you have done in the way of getting acquainted with any of the boys connected with the express company?"

"Not very much. I told you before I did not like that kind of work. I am not a good woman, as you know, Charlie, but I don't like to make a man believe I am fond of him when I'm not."

"Why, what in the world is the matter with you all at once? Why are you so squeamish about a little thing like this? I don't want you to harm him, only to find out about when the express company will be carrying a large number of packages. But, tell me, what have you done? What have you learned? Have you met any of the boys?"

"Yes, I've met one of the men connected with the express office. I made a package containing

some old newspapers which I directed to John Jones, Chicago, Ill., and took it to the office. While there I managed to get in conversation with a gentleman ; whether he belonged in the office or not, I shall not tell you. I have met this man several times since ; twice he has called to see me here at the house."

" Who is this man ? Is he in a position to know what packages are sent over the Monon road ? What is his name and what does he do ? How is he connected with the company ? "

" You ask a great number of questions, some of which I am not going to answer. It don't make any difference to you what he does. The only thing that I shall do for you is to try and get the information you have asked for. This I may not be able to do, but I will try."

" Well, you seem to be getting on a high horse, but I don't believe I care so very much, if you can work him to find out what we want to know. If you try, I know you can do it."

" How do you expect me to find out ? This man believes that I am a respectable young lady, which, of course, I am, and that he and I have accidentally become acquainted. If he thought that I was in any way connected with you, he would not recognize me if he should meet me on the street, and I would not blame him much, either, would you ? "

" Oh, I don't suppose he's as perfect as you

would have me believe. Possibly it would not shock him very much to find out all about either of us. Now, honor bright, Clarice, don't you think that you are making him a little too innocent? When a man living in this delightful city claims to be as innocent as you would have me believe this man to be, I suspect he knows more than you would have me believe, and that you will not be able to manage him at all."

"Don't be scared about that; I can work him if I try. Did you ever know me to fail when I set my head to do a thing?"

"No, I never did, and I hope that you may be able to accomplish this."

"I shall do what I can. How do you expect me to do this, without raising his suspicions? I can't say to him, be sure and tell me when the Monon will carry a large amount of money, we want to rob it."

"Of course not, but can't your woman's wit suggest some way? How would it do to tell him that you have made a wager that you can tell beforehand how much money is expressed each day; that you and a lady friend had been one day talking, and a dispute arose between you as to the amount of money sent north from here each day, and finally she suggested that we could not settle our dispute, as it could not be learned how much was carried by the company, but we made a bet first that no one could find out beforehand

anything about it, and if we could, it would be certain amounts of money each day?"

"Well, I'd thought about something like that, but it seemed so foolish for two women to be a-betting about a thing like that, that he would surely think something was wrong."

"Well, then, Clarice, I leave it all to you ; work any scheme that you can, and let me know. If you should fail I shall not blame you."

"If I should learn something and send you a message at Harrodsburg, would that not put you in danger?"

"No, for you can send me a message, well, like this, 'My brother will be in Chicago to-morrow to look at the house.' I will know from this that on that night I will tackle the express, or rather we will, for two others are with me in this."

"I will send you that message if I can learn anything ; if you don't hear from me you will know that I have failed ; but won't I see you again before then ?" she asked.

"No, for I must do some work in New Albany before I am ready for this job, and will have to be away from you for a few days at least. You certainly know how much I love you, and that it's more for your sake than anything else that causes me to attempt this job. It's the hope that I may get enough money to take you somewhere and live only for one another, which causes me to attempt this."

"Why, Charlie, is there not some way we can make money, without you attempting this, for there is surely danger in it."

"There is some danger in it, but you know I would run almost any risk for you. No, I don't know of anything else where I could make sufficient money, and you shall never know poverty while I live. I wrunged you enough when you left your home and friends for me. Clarice, if I had known you earlier, I'd have been a better man; perhaps our future will be different from the past."

From his gaze it could be seen that he loved her with his whole heart, while she, perhaps, loved him, but if so it was a love that seemed to be almost dead, and certainly not the deep and true affection that a woman gives to her choice, but rather the love that is given to an ideal man and afterwards she has discovered the reality. But if this were true he did not know it, and believed that she loved him as passionately as he did her.

They conversed for some time longer and parted on the most affectionate terms, at least on his part.

He informed her that after the robbery he would not return to Louisville, as there might be danger in that, but after the robbery he would go to St. Louis, and there he would write and fix the place for their meeting, and with the

money that he expected to get from the express company they would live together in some place, which they would make an earthly paradise.

So they parted, to meet again—when? Never.

We might inform the reader here that he received no message from her, and that he selected the night without the desired information.

Whether she tried to obtain the information and failed, or made no effort, we are unable to say.

A few words in reference to her, and then she has no more connection with our story.

Some two years before this she was living with her parents in a small town in Ohio, where she was the petted and only daughter. Her father was well-to-do, and she had always had her every wish gratified; beautiful and rich, loved and respected by all, her life had all been sunshine.

When eighteen years of age she met Charles Dock at a social, where he had in some way managed to get invited.

He was handsome and dashing and caught her fancy. Shortly afterwards he was introduced to her parents, and while at that time they knew nothing against him, they did not like him, and after he had called a few times at the house, they informed their daughter that they believed he was an adventurer and forbid her having anything to do with him.

Up to this, she had only a slight fancy for him, but the opposition caused her to believe that she was in love with him. The result was that she met him in secret, and finally ran away and they were married. They lived first at Chicago, but lately had moved to Louisville. Her father refused to forgive her, and besides about this time it was learned that the man was a gambler and thief.

The curious part of it was, that while he passionately loved her, she never really cared for him.

This much good may be said of him, that no matter how he got his money, he had supported her in good style. She had finally learned what his occupation was, and once or twice she had seemed to aid him, but she was at this time thoroughly disgusted with him, and while she had been somewhat spoilt, she was at heart a good woman and could never really give her affection to a criminal.

After Dock left her that day she made up her mind that she could no longer live with him or use the money dishonestly made.

We will not weary the reader by any long description of the next year or two of her life.

Only this, that she left Louisville at once and in a small town secured a position as teacher, which she held for about a year; in the meantime she had secured a divorce from Dock.

Two years from the time of the conversation, she was married and reconciled with her family.

She married a good man, whether it was the express agent or not we leave for the reader to guess.

CHAPTER IV.

One among the earliest settlers in Monroe county was Hezekiah Chambers, who, with his then small family, settled about six miles south of Bloomington. Here he purchased a quarter section of land and by years of patient toil, economy and good management, he developed it into a fine farm, with good, substantial farm buildings. Here he continued to live in peace and plenty, enjoying the fruits of his labor for many years, until an event happened to change and mar if not destroy the balance of his life. In order for the reader to better judge of later events, it will be necessary to give at least a short description of Mr. Chambers and the members of his family. At the time of which we write, Mr. Chambers, or Uncle "Ki," as he was now usually called, was a tall, spare-made man, with mild, blue eyes, fair complexion, and was between sixty-five and seventy years of age. His hair was perfectly white, giving him a venerable appearance, which was altogether pleasing. He was very reticent, and while very hospitable and kind to all who visited at his house, he did not seem to care very much for any society except

his own family. While he was a kind husband and father, he was not an indulgent one, but would rather be called strict, and firmly believed in the doctrine of "Children, obey your parents." He raised them to work, and did not give them much time for play or idleness, and strictly forbid the playing of any games about the house. He was respected and liked by all his neighbors. His word was as good as his bond, and when the days of his trouble came his neighbors showed their appreciation and respect, in rallying to the help of him and his family. A few years before the date when we write his first wife died and he married his present wife, who was some twenty years younger than himself. His family, besides himself and wife, consisted of three sons, one daughter and Elijah Robinson, a boy some thirteen years old, an orphan boy he was raising. These lived at home. Besides these he had two married sons, one living in the west. The other had a family and lived in the adjoining county of Brown, some twenty miles from the old home-stead. The daughter lived with her husband some two miles from Mr. Chambers. She was about twenty-two years old, tall, and rather slender, but well formed and graceful, fair-haired, blue eyes, and considered a handsome woman. Very quiet and unassuming, or perhaps modest would be a more appropriate word. She did not go much into society, except to church

and Sunday-school, spending nearly all her time at home, where no wife could have been better loved or more respected.

The general rule is, that when a man has several children by a former wife, and marries again and places his second wife to rule and reign over the children of his first wife, there is trouble, and the second wife and the children of the first do not get along well together, but in the case of the Chambers family the rule was not carried out, but the exception, for not only was there no trouble, but the children loved her almost as well as they would had she been their own mother, and she could not have loved them any better if they had been her own children, and this was especially true about Chesley. She almost idolized him, and there was scarcely anything she would not have done for him, and the same was true of him, the strongest kind of affection existed between them.

William, or "Bill," as he was usually called, was near twenty-five years of age, a large, burly fellow with red, coarse features, high cheek bones, and a countenance not likely to impress anyone favorably. Besides this, his mind was not strong. But as is the case with many like him, he firmly believed that he was very smart and would make his mark in the world, and was just at this time trying to make arrangements to study law. He lived with his father, but for

the last three or four years his father had ceased to attempt to control him and he had almost entirely quit work on the farm. His father would at times try and get him to do some work, but he seldom could get him to go to the field, and when he did he was likely to leave his work at any time. He spent nearly all of his time in tinkering with some old gun or pistol, lying around or playing some game, such as pitching horse-shoes, playing marbles, when he could find anyone to play with him. One thing to be said in his favor was his good nature. No matter what was said or done to him, he never got mad, but was at all times in high spirits and good humor. He hardly ever went to church or in society, and was never known to go with any girl. But it is doubtful whether he could have found any young lady who would have kept company with him, as all the young ladies seemed to have a natural dislike for his society.

We are thus particular in describing his traits and character so that the reader may form a better judgment of his future actions. The other two boys, Allen and Chesley, were twins, and were thirty years of age. As Allen has very little to do with this history we shall only say that he was a quiet, unassuming young man, well behaved, without energy for any purpose, and spent nearly all his time in steady labor on the farm. He talked very little, was a regular

attendant at church and Sunday-school and never harmed any one by word or deed.

As to Chesley, we shall devote more time, as he must be the hero of this story, if it has a hero, which some people may doubt. Be this as it may, Chesley Chambers deserves a more particular description from the fact that he is the kind of man to influence men for good or evil. He was a little over the medium height, strong and heavily built, a man of strong physical development. He had light hair, blue eyes and fair complexion, devoid of beard, except mustache, and, altogether, his expression was open and pleasing; a countenance that a stranger would like and a woman or child would trust. Nothing cruel or harsh about the expression and with nothing to conceal or hide, he seemed the perfection of young manhood, and yet he was soon to be put on trial for his life or liberty for one of the most black and horrible crimes of modern times. From his earliest boyhood Chesley had been the favorite of the family, and this was carried so far that in later years no important thing was ever done without the advice of "Chess" as he was called. This reliance and leaning on Chess applied to not only the old folks, but to all members of the family and to a large number of the neighbors and friends of the family.

He was a popular boy and young man wherever known, and this was especially true with

the older people, and he fully earned this reputation as he grew up, having no bad habits, faithfully attending church and Sunday-school, and living in all ways as a model young man should. He was frequently held up by parents as a young man to be emulated by their boys. When about twenty years of age he commenced buying and selling stock. He would purchase from the different farmers until he would get together a car load of stock, when he would ship to Cincinnati or some other city. And on getting the money for this car load he would buy and ship again, and so on until the season for shipping stock was over. He would then work on his father's farm until the shipping season came again. This he continued for a few years, until his means and credit enabled him to ship several car loads of stock at the same time.

When about twenty-three years of age he, like most of young men, took the Western fever and believed that a fortune was waiting for him in the far West. He went to Kansas and other places, but failed to find a "bonanza," and after an absence of about eighteen months he came back to his father's farm. After he had shipped for some years he became acquainted with a large stock firm in Cincinnati, Ohio, and made arrangements with them, that if at any time he was short of money he might draw on this firm for what he might need. This, with the credit

he had established among the people of his own county, gave him an almost unlimited credit for any amount of money he might need in his business. This was his condition and standing at the time of the Monon express robbery, in the year 1885.

No man in the county, at least a man as young as he, had built up a better credit than Chesley Chambers. Another thing; nearly all men, especially young men, who enter into the business of shipping stock, fall into bad habits, and learn to drink and be profane; but during all of his ten years of stock dealing, he kept himself clear of these vices, neither swearing or drinking, but on the other hand was a strict member of the church, and scarcely a Sunday ever found him absent from his church at South Union, Indiana. Every person acquainted with him spoke of him in the highest terms. His standing for morality, honesty and good citizenship was of the very highest. He had never had a suspicion cast upon him until he was arrested for the commission of the crime of robbing the express train on the Monon road on the 29th of April, 1885.

Was he guilty of this terrible crime?

Perhaps no event ever gave the people of Monroe county a greater shock, unless it was the crime itself, than the arrest of Chesley Chambers. A man known to almost every person in

the county, and so well and favorably known, was well calculated to create intense surprise. A man who had been raised in the county by the best of parents, whose rearing and teaching had been of the kind to bring out and develop the better elements of the man, whose whole life was known and seemed as open as the light of day. A leader in the Sunday-school, a person who had been pointed out as a model for the young people of his neighborhood to imitate, and apparently possessed of the most tender feelings, the kindest heart—could he be guilty of this horrible deed? The answer was echoed back from the people who knew him best: “He could not have done this deed; we know him too well to think for a moment that he is guilty of this black and terrible crime.

Of course, there were a few people who knew him, that said they believed that he was guilty of this terrible crime. The reader will readily recognize this class of people who, the moment a person is arrested and accused of a crime, are ready to say, “Well, I am glad they have arrested the right man. I have always felt that there was something wrong about him, that he would be found out, that Chess Chambers would do something bad.” But outside of this small class of persons the belief was universal among all who knew him that Chesley Chambers was innocent of the crime charged against him.

No man ever arrested in Monroe county, or elsewhere, had more or truer friends than Chesley Chambers at a time when friendship is most dear and appreciated. His friends who voluntarily came to his aid and assistance at this, the darkest and most trying ordeal of his life, were of the best in the county, people of high character and standing, men who would be among the first to denounce a crime, and not among those who would shield and protect a criminal. These men and women stood by Chesley Chambers because of their firm and unwavering belief in his innocence.

CHAPTER V.

As has been stated, an affidavit had been made and filed before the mayor of the city of Bloomington, charging Chesley Chambers with being guilty of robbing the American Express Company. An affidavit had also been filed and a warrant issued for his arrest for shooting Peter Webber and George K. Davis. That said shooting was done with the intent to kill and murder these men. On this warrant he was immediately arrested by the city marshal, and when taken before the mayor he waived an examination and was recognized to appear before the circuit court to await the action of the grand jury at its next term, and his bond for his appearance was placed at the sum of ten thousand dollars. Notwithstanding that this was one of the largest bonds ever required by any court in Monroe county, it was quickly given and he was released from custody.

For some reason known to the prosecution, he was again, on the Sunday following, arrested on another charge growing out of this transaction, and when taken before the mayor, his bond was

increased to twenty thousand dollars. Why this was done was a mystery to the friends and attorneys of Chambers, unless it was an effort to place the bond beyond the amount he could give, and thereby compel him to go to jail, and there await his trial in the circuit court, but if this was the object it failed, for his friends promptly came to his rescue and gave this large bond ; and Chesley Chambers should to day feel very proud and grateful at the way in which his neighbors and friends stood by him in his time of need and great trial.

They were ready and did stake their all on his honor to appear and be present in person at the next term of the Monroe Circuit Court, and we have no doubt he does fully appreciate the favors and kindness received from his friends at this eventful and trying period in his life. His words and actions since then have fully shown his gratitude and appreciation of the favors shown him by his friends at that time. Whether innocent or guilty, the arrest of Chesley Chambers charged with this terrible crime was a grave and serious thing for him, for it not only meant a prosecution by the officers of the law backed by the great State of Indiana, but a prosecution to which would be joined the American Express Company and the Louisville, New Albany and Chicago Railway Company, with all the machinery, aid and influence of these two great corporations.

With the help of not only the officers, managers and employes of these, but with the assistance of their own attorney and the best counsel these two corporations could employ with money to aid in the prosecution, it was enough to make Chesley Chambers tremble for his safety ; enough to make any innocent man fear for his liberty and dread the result of the trial. Truly Chesley Chambers well might dread, though innocent, a trial backed by this kind of prosecution. And to show that this was an extraordinary prosecution it is only necessary to record one circumstance. Chesley Chambers was arrested in Bloomington, and it would necessarily take some time to give the bond which would be required, and which would be necessary to set him at liberty. The very moment he was arrested, or perhaps before, a search warrant was sworn out, issued, and the marshal of the city of Bloomington and his deputy went immediately to Chambers's father's house, six miles south of Bloomington, and made a thorough search for evidence. This search might have been made in other cases, but what we are now going to detail is something extraordinary, a proceeding that is usually foreign to prosecutions, in our state, where the presumption prevails that a man is innocent until proved guilty. Being arrested about 2 o'clock in the afternoon, Chesley Chambers, after securing his bond, had no time to talk to any counsel

he might wish to employ or consult, and after being released he went home to his father's to spend the night, never dreaming that he would again be arrested or called upon to answer any charge except the one already preferred against him.

The prosecution decided, on the night after his arrest, that, as they now had a man arrested, and as some one had to be convicted of this crime, they would arrange a scheme by which they would secure sufficient evidence to convict Chesley Chambers. The plan was unique and as follows: Next morning early they would go to a justice of the peace, who lived near Chambers's home, and have him issue a subpoena for Chesley Chambers and other members of his father's family, and get them before the justice and there hold a court of inquiry as to who committed the Monon robbery.

They would thus have Chesley Chambers and the other members of the Chambers family away from his counsel, and where they could ask any and all kinds of questions, and by this means they might get some evidence which would be an admission of guilt. A court of inquiry may be held where the prosecutor believes a crime has been committed, and no one has been accused or arrested. But where a man has been arrested, charged with the commission of a crime, it would be unjust and unfair to attempt to examine a man unless his counsel was present. In

this case it was manifestly unfair to Chesley Chambers that himself and other witnesses should be examined in the absence of his friends and attorneys. It so happened that when the state, by its officers, arrived at the justice's and sent the constable to Chambers's house to notify them to appear before the justice, Chesley happened to be away from home, and they therefore failed to get the defendant before them, the witness they were most particular about, but they completed their work by putting all kinds of questions to the members of the Chambers family. But very little good, if any, was done the prosecution by this, as they did not attempt to use this evidence on the trial.

By this inquiry, and we only give it to show the nature and animus of the prosecution against Chambers, and that the reader may see that no effort would be spared by the prosecution to secure the conviction of Chesley Chambers. On the other hand, the friends of Chambers were fully aroused and flocked around him, offering to assist him in any and every way possible, and showing a determination that he should have a fair and impartial trial. With this understanding the reader can form some idea of the interest manifested in this case and the excitement that it was creating. With two great corporations on one side, with all their influence, and a host

of friends of Chambers on the other, the interest in the trial was daily growing.

Chesley Chambers had been indicted by the grand jury, the charge against him being assault and battery, with the intent to kill and murder Peter Webber.

The trial was to be held in Monroe county, and had been set down for a special day before Judge Robert W. Miers, who has since been elected judge of the Tenth Judicial Circuit, and who had consented to preside during the trial of the cause. And it was conceded on all sides that no man could have been selected to try the cause who would preside with more dignity and ability.

As the day set for the trial drew near, the excitement grew intense, and scarcely anything was talked of except the trial of this cause, and both sides were making strenuous efforts to get ready for trial, and in fact both parties had announced that they would be ready for trial on the day set, and that the trial should not be delayed. So that there might be no continuance of the trial the court had ordered a special venire for one hundred and twenty men, from which number of men a jury could be selected to try the case.

Just a few days before the trial the following letter was received by the attorneys for the defense, and we here give it for what it is worth :

"MISSOURY, Aug. 21st, '85.

"To the Lawyers of Chambers:

"Where as an innocent man is in danger of losen his life, its time for me to speak. if I can speak an not put my head in the nooze, and I can in that there case of there train robbery.

Chess Chambers did not do that there job. and how do I know. because I was there when hit was done. mind I dont say I had any thing to do with it. but I do say Ches Chambers did'nt have nothing to do with it. You can do the best you can for him with this. hoping this will do him good. I am.

Yours with respect,

BEN MERCER."

The above letter was written in a very bad, scrawling hand, the spelling and language being as above. The letter, of course, could not be used as evidence, and if the writer intended to benefit Chambers it failed in its object. From a close examination it was apparent that the handwriting of the letter and probably the spelling were disguised, and although the defense tried to trace the writer, thinking thereby to obtain some clew to the perpetrators of the crime the effort was a failure, and Chesley Chambers received no benefit from it, at least not in time to do him any good in his trial.

In the meantime the day of the trial came on, and considering the case and the counsel to be

engaged in it, the case would be the most important of any ever tried in the county, and certainly no case ever tried in Monroe county created as much interest. The prosecution was represented by Col. George W. Friedley (now deceased), Gen. Easley, of Chicago, Illinois, both general solicitors of the Monon Railway Co.; also by Hon. Eli K. Millen, of Bloomington, Ind., an attorney for the Railway Company, Hon. Jos. E. Henley, prosecuting attorney for the Tenth Judicial Circuit, and Hon. W. P. Rogers, of Bloomington, Ind.

To meet this formidable and talented array of counsel the defense had employed Senator Jason B. Brown, of Seymour, Ind., Messrs. Buskirk & Duncan, East & East, Hon. R. A. Fulk, and Hon. James F. Morgan, of Bloomington, Ind. It was conceded by every one that both sides had the best of legal talent, and so far as counsel went were about equally divided. No better attorneys could have been secured in Indiana, and were it not for the aid of the two powerful corporations, the prosecution, in the presentation and trial of the cause, would have no special advantage; and this was partly made up by the large number of friends Chambers had in the county where it would be tried. At length the great day of the trial came on and Chesley Chambers was put on trial, charged with being one of the men who robbed the Monon express train,

and while he was robbing it he committed an assault and battery, with the intent to shoot, kill and murder one Peter Webber.

How would the trial end? Was Chesley Chambers to be convicted by a jury of his country of this dark and devilish deed?

CHAPTER VI.

At length the day set for the great trial came. Chesley Chambers had been arraigned, and for plea said that he was not guilty. The interest in the trial had steadily grown. Scarcely anything that morning was talked of except the trial. People from the country arrived several hours before the time fixed for the opening of court.

As the hour drew near it was manifest to all that only those who came early would secure seats in the court room. Soon it was discovered that standing room in the court room would be at a premium, that the crowd was so large, interest and excitement so high, that many people would have to be turned away and kept out of the court room by the officers of the law. While this was true, and the crowd the largest ever known at a trial, it was orderly and well behaved. There was all day a large number near the windows of the court room to try and hear even a part of the evidence and proceedings.

Promptly at 8:30 o'clock the voice of the sheriff was heard, "Hear ye, hear ye, hear ye, the Monroe Circuit Court is now in session."

Immediately after the opening of court the judge announced that all business of the court would be postponed until after the case of the State of Indiana *vs.* Chesley Chambers was disposed of in some way. A motion was made to quash the indictment, but the motion was not pressed by defendant's counsel and was overruled by the court. The case was then called for trial, and after a few preliminary motions had been made and passed upon by the court, both sides announced that they were ready for trial. Without further delay the court instructed the sheriff to call a jury from the special venire of one hundred and twenty men, which had heretofore been summoned. Several hours were spent before a jury was empaneled, a very large number of the jury men having formed or expressed an opinion as to the innocence or guilt of the accused. In fact, for this reason it took the entire day to empanel the jury. After being duly sworn to try the cause according to the law and evidence, and being then instructed by the court not to talk about the case, the jurors were then permitted to separate until the next morning. The court then adjourned for the day.

At the meeting of the court next morning, the Hon. Eli K. Millen made a statement of the case for the state. Judge Millen is a ready talker and fluent speaker. We shall not attempt to give all that he said to the jury on that occasion,

but enough to show the principal facts relied on by the prosecution. He said: "In presenting a case of this kind, where it is clearly and certainly known that a great crime has been committed, and counsel have been employed to assist the officers of the state in bringing the crime home to the perpetrators, the duty of the counsel is plain. He must use his utmost efforts in bringing the criminals to justice. This is his sworn duty. I shall try not to go beyond my duty, or make any statements that are not carried out by the evidence. I may feel a delicacy in prosecuting a citizen of my own county and would much prefer that he lived outside its borders, but I shall endeavor to prevent this feeling from interfering with the discharge of my whole duty in this case. I know every man on this jury and have been acquainted with you for years. Knowing you as I do, there is no doubt in my mind that, when you come to hand in your verdict, it will not be influenced by prejudice on the one hand or fear on the other, but will be in accordance with what you believe to be the law and the evidence in this case. I have no prejudice or ill feeling against this defendant, but a sympathy, or rather a regret that one of our citizen should be charged with this grave and horrible crime, and if I should say to you that I believed this defendant guilty, it would be from the fact that the evidence, as I understand it to be, will clearly dem-

onstrate this to a certainty. I make these preliminary statements to show you that I realize the importance and magnitude of the case, and feel the responsibility that attaches to each of us, whether as judge, attorney or juror. When this case has been finally submitted to you, I shall, I trust, have fully discharged my duty, and it will then be for you to discharge yours. This responsibility will be yours when this case is submitted to you for your final decision. If you are not convinced beyond a reasonable doubt of the defendant's guilt, then I say to you, in the name of mercy and justice, let him go acquitted. On the other hand, if you are satisfied that he committed this horrible crime and stained his hands with the blood of Webber and Davis, do not show fear or favor, but enforce the law, for only by this means can we prevent crimes in the future.

"Now, gentlemen, I shall try to give you a summary of the most important facts that we will prove. It would take too much of your time to attempt to give you the details. The charge in this case, gentlemen of the jury, against the defendant, is, that on the 29th of last April the defendant did feloniously, purposely and unlawfully shoot at and against one Peter Webber, with the intent then and there to kill and murder said Webber. This is, indeed, a grave and serious charge against him, and one which it

would most deeply grieve me to present against him if he be indeed innocent. On that night some one committed this crime, stained his soul with attempted murder, and it was a mere chance that these young men are to-day alive and able to testify before you. I said able to testify. This statement I recall, for before you get through with this evidence you will see that one of these men is worse than dead. On that night of the 29th of last April Peter Webber was the baggage-master and George K. Davis was the express messenger, on the night express north bound for Chicago, on the Louisville, New Albany and Chicago Railroad. Poor George Davis. It was a fatal ride for him. From a bright, intellectual young man, he became as simple as a child, and will doubtless remain in this sad condition so long as he may live. The duties of these two kept them in the baggage car, and after attending to the baggage and express matters at Bedford, they had no more work until they reached Bloomington. This being a long night run, the men would get what rest they could by lying down between the larger stations. After leaving Bedford, Webber went in the smoking car and remained there until the train reached Harrodsburg, when he passed into the baggage car and lay down and went to sleep. Davis was already lying down asleep.

"About two hundred yards north of Harrods-

burg station the train stopped at the water tank. The proof will show that the defendant got on at the town of Mitchell and that he rode on the train that night to Harrodsburg, and will fully prove that he was the man who entered the baggage car after leaving the tank. That he came in with a large hickory club and found Webber and Davis asleep; that he stepped close to Webber and struck him on the head with a club with a blow sufficient to at least stun him, then stepping close to Davis he struck him with the club and stunned him, but only partially, for he staggered to his feet and reached for his revolver, which was in a pigeon hole, but as Davis grasped his weapon the robber or the defendant fired, and Davis fell to the floor, where he lay without a movement, and apparently dead. (I say the defendant for the reason that we shall show by the evidence that he was the man who entered the car and committed the crime.)

"By this time Webber had partially recovered and arisen to his feet, and turning on him the robber ordered him to open the safe, at the same time keeping his revolver pointed at him. Webber replied, 'I have no key.' The man answered with an oath, 'Get the key from this man's pocket.'

"Webber obeyed, finding and giving up the key, and the robber rifled the safe of its contents and then turning, in spite of Webber's entreaties,

fired a shot which went crushing through Webber's skull. The robber then retreated, followed by Webber, who pulled the bell cord.

"The robber jumped from the train. Webber passed into the smoking car and gave the alarm. The train was stopped, and after some search for the robber they came to Bloomington, bringing the wounded men, who were left here over night, and while here Webber gave a description of the robber. Shortly after the train arrived in Bloomington several parties went to the scene of the crime and there found evidence which convinced them that the crime had been committed by some one living in the neighborhood.

The robber had jumped from the train and was thrown violently against an embankment, and was tracked some distance by his blood.

He had dropped some packages of money where he fell. The tracks went westward up a ravine, where the first evidence was found pointing to the defendant. The tracks showed that they had been made by a pigeon-toed person, and the defendant is the only one in that neighborhood who walks in that way. But this is only one circumstance out of many which pointed to the defendant's guilt.

They tracked the robber about one-half mile from the railroad. The direction was westward. This was towards the defendant's home. The defendant filled the description given by Webber of the robber.

The next day after the robbery his hands and face were skinned, and showed that they had been bleeding. He had been a stock dealer and had become embarrassed; was in debt to a large amount, much more than he could pay; creditors were pushing him. Only a few days before the robbery he was trying to borrow money, and less than twenty days after the date of the crime he paid out a large amount of money, paid all his debts. The next day after the robbery he went to sleep while sitting in a chair, and many other circumstances will be detailed to you pointing to his guilt.

"When Webber saw the defendant he identified him at once as the robber, and so said, and Chambers on being confronted by Webber turned pale and was greatly agitated. However, Mr. Webber is here to tell the story.

"This kind of a crime nearly always leaves some indices, something which points to the real perpetrator; not always direct evidence. So in this case not all the evidence will be direct, but the circumstances will point so clearly and surely to him that there can be no mistake.

"As I said, his walk is peculiar, and the tracks left we will certainly show you was made by him, not made by the ordinary boot or shoe. The defense in this case claims that he is a model young man. Why, gentlemen, we will show you that he was leading a double life; that

while the people down there believed that he was a good man and faithful church member, that he was frequently drinking and visiting saloons; that on Sundays he spent his time playing cards, and engaged in other acts of immorality.

"The evidence will show that a large amount of money was found after his arrest in a table drawer in his room at his father's house; paper money, nearly all ten-dollar bills, and every one of these bills had a hole in it, showing where the express agent had stitched it.

"To again call your attention to the particular facts that we will prove that he went South on the train the day before the robbery, that he was seen in Mitchell the day of the robbery by three or more people.

"That at least two persons saw and recognized him that night on the train which was robbed.

"Next, Webber, the baggage-master, will positively swear that he was the man who committed the crime.

"Then the hurts on his face; his going to sleep the next day, and his actions the day that he was arrested.

"When you hear all this evidence you will be convinced, as I am, that this defendant is guilty of the crime charged.

"All we ask of you is to listen patiently to the evidence, and when you are fully satisfied of his guilt mete out such punishment as he deserves.

CHAPTER -VII.

Judge Millen's statement to the jury, of what the evidence of the prosecution would be in the case, was listened to with the closest attention.

When he took his seat, it could be seen that the jurors were strongly impressed and that they realized the importance and gravity of the charge, and comprehended the responsibility which they had assumed.

The court then inquired of defendant's counsel if they were ready to present to the jury their defense.

Counsel answered that they preferred to make their statement later on.

The witnesses who were then present were duly sworn, and without further delay the evidence in the great trial commenced.

The first witness called by the prosecution was Mathew V. Hickey, who said: "I live at New Albany, Indiana, and by occupation am an engineer; have been an engineer on this road, the L., N. A. & C., for several years. On the 29th of April I was the engineer on the Monon railroad; was running train No. 3, which runs from Louisville to Chicago. It reached Harrodsburg

station between ten and eleven o'clock at night. After I left that station, and as we started up Smithville hill, some one rang the bell. It was an irregular ringing. One pull, and after a pause, two other pulls. I paid no attention to this, but afterwards when pulled twice, I stopped the train. Only a short time elapsed between the two ringings. The train stopped in the cut, about two car lengths from the 'big rock.' I did not know what had happened. I waited for the signal to go ahead. My fireman was with me; his name is Ashcraft. I did not see Webber until we arrived at Bloomington; he was too bloody for me to tell about his wounds. The conductor's name was Chambers. I do not think he is now employed on the road; he has been off some two or three weeks. Yes, there are several large rocks near the 'big rock,' but they are small compared with that one."

William Hall: "I live at Louisville, Ky., and am a railroader—baggage-master. I was on the night train going north on the 29th of April, but not on duty; was in the smoking car when the train stopped between Harrodsburg and Smithville. I saw Peter Webber when he came in the smoker; he said that he had been hit with a club and shot by a robber, and that the express messenger had also been shot and robbed. George K. Davis was the express messenger. The blood was running all over Webber's head

and face. The conductor and me went in to see Davis. We found him lying down with his head toward the south, about midway of the car, between the two doors; he was unconscious. I felt of his pulse and said, 'He is not dead, his pulse is beating.' We raised him up and put a coat or something under his head. He gave a moan and put his hand under the back of his head. His eyes were closed and he remained unconscious while on the train. He was taken off the train at Bloomington, and I did not see him until several weeks afterwards. The safe in the baggage car was open, lid thrown back. It was used by the express company to carry money and valuables; the express messenger carries the key. We found a green hickory club in the car; it was muddy, or at least it looked as if the end of it had been stuck in the ground. Conductor Chambers kept the club. It was a moonlight night, and when the train stopped at the 'big rock,' objects could be seen distinctly."

Here a hickory club was handed to the witness, who said he thought it was the one found in the car.

"The stick or club was lying close to Davis, and had blood on it. Yes, I think Davis is now employed by the American Express Company, at Louisville, Ky., but is not able to be on the road."

George Risinger: "I live at New Albany,

Ind. I was a breakman on train No. 3 on April 1 29th. I went out of the ladies' car just as we left Harrodsburg station that night and passed into the smoker. When the train stopped at the cut I got off on the west side and walked toward the engine and then back in baggage car. I saw no one on the outside; saw Davis on the floor of the car; he had a wound in the back of his head made by a pistol ball; he was insensible. Just as I saw Webber he said: 'Some one came and hit me with a club and shot Davis.' Webber was bleeding on head and face; he was sensible. We found a package of money on the car floor; small, only \$1.90 in it. I found the package near the stove and close to where Davis was lying. Yes, I saw the club; it had only been cut a short time. It had blood on it, fresh blood; the blood was on the large end. The train after leaving there did not stop until it arrived at Bloomington. It took about eleven minutes to make the run from there to Bloomington. Webber had two wounds, one on the top of his head and the other on the side of his face. The one on his head seemed to have been made with a club, the other was by a ball. I now remember that some old gentleman got off at Harrodsburg tank. I did not know him, and don't now remember how he looked."

Ren C. Smith on examination said: "I live at Bloomington and am the city marshal, and

was on the 29th of April last. On the 30th of April I went to the scene of the robbery ; several parties went with me. It was about 2 o'clock in the morning when we went down on a special car. I think we were the first there after the train left. We found four or five packages of money which were unbroken, all on the west side of the track. They were strung out some eight feet apart. We picked up the packages and gave them to the agent of the express company, Mr. Howe, who was with us. It was too dark to make search and we came back to town, and I went back there on the four o'clock train and arrived there about daylight. We then commenced looking for signs, and about one hundred and fifty yards south of where we found the packages, there was a gap or place where the cut ended. At this point we found \$16.00 in silver and on the hillside below discovered some blood. The money was loose and the blood some fifteen feet from the money. Several drops of blood were seen ; this was close to track."

Here the witness produced a leaf that he had kept, which he said had blood on it, and it was handed to the jury, who examined it.

" There was blood on some of the packages of money that were found. We found a pistol at the place where we found the first package of money. It was a common one, 32-caliber, and I think two chambers were empty. One had the

blank cartridge in it. The other was empty. I gave the pistol to the express agent. Some twenty feet west of the railroad we found a shoe or boot track. The first track was not plain, but we found another some distance west that was, which we measured. It looked like a track made by a pigeon-toed person. I took the measure of the foot, and put it down on a piece of paper. I think the measurement would fit an 8 or 9 shoe, but am not sure. I noticed their tracks, several of them. The tracks we saw were made going west. We followed the tracks and other indications about one-half mile and at a branch lost the tracks. I think the defendant lives a little north of west of the place where the robbery was committed. I went back next day to place of robbery and there was at least one hundred people with me. The defendant was arrested, I think it was on Friday, on the 15th of May; I arrested him about 1 o'clock in the afternoon. Mr. Wright was still under arrest and his examination was set for that day, and a large crowd was in town. I had seen Chambers that morning. I was watching him. He seemed restless, walking from place to place, and nearly all the time alone. Webber came to Bloomington on the noon train. Mr. Rogers, myself and others met him at the train. There was a large crowd at the train, but Chambers did not go to the train. Webber came to see if he would

recognize Wright as the robber. We accompanied Webber to the National Hotel, and had arranged with the attorneys of Wright to be there and meet Webber. We did not see Chambers as we went to the hotel. The crowd had assembled at the court-house when Wright went to the hotel. After Webber had seen Wright, I saw Chambers. He had been subpoenaed as a witness in the Wright case, and I said to him that one of the attorneys for the railroad wished to ask him a few questions as to the Wright case, and asked him to go with me to the hotel. He consented, and we went there together. I went into the hotel with him, went into the parlor, where Mr. Webber and five or six more men were. As we opened the parlor door we were in plain view of Webber. Chambers sat down and seemed to be looking toward Webber. I thought he was excited. Think he was trembling and sweating.

"Col. Friedly asked Chambers some questions about Wright, but did not tell him that there was any suspicion against him. We were there about ten minutes when Friedly said that this was all at present. Chambers then left the hotel and I continued to watch him; did not let him get out of my sight. I overtook him on the north side of the square and told him to go with me to the court-house and I would get him a seat inside the bar. We went together to

to the court-house and he took a seat on one of the benches in the back end of the room. Col. Friedly about then whispered to me and said to not let him get away until they could get up some papers. A short time afterwards I arrested him in the court room. When I served the warrant I did not notice any particular change in him. Until the warrant was served he had not been told that he was suspected. I brought him to the front and he put in a plea of not guilty. Wright was then discharged. He was nervous and sweating when arrested. Soon after his arrest I was furnished with a search warrant, and in company with Joseph H. Allen, I went to his father's house and made a search of the house. I found up stairs in a bed room in a large pocket book, which was in a table drawer, one hundred and thirty-three dollars in bills, all in five and ten dollar bills except three one dollar bill. This money had nearly all been punctured, some of it in two places, the end and middle. We found a suit of working clothes in the press; was faded some; was black when new; cotton goods. I went back next day to subpoena some witnesses to attend the examination at Dillman's, and then found a pair of shoes, about No. 9. Yes, they might be called plow shoes. I think Wright was arrested on the 10th day of May. I went to Terre Haute and arrested him. He was arrested on this same charge." It was here agreed

as a fact that Mr. Wright, in company with his counsel, went to the hotel on the day of Chambers' arrest to meet Webber, whom they saw and conversed with.

"I don't think Chambers knew Webber was at the hotel when we went there, but he must have seen him when we went in. Chambers commenced sweating about that time." At this point the court adjourned until 8 o'clock next morning. The interest had kept up during the entire day, and the court room had been densely packed all the time, people standing for hours without showing the least fatigue. Another noticeable fact was the order that was kept by the large crowd during the day, scarcely a sound being heard except that necessarily made by the trial; this, perhaps, more than anything else, showed the great interest that the trial was creating.

CHAPTER VIII.

Next morning the people commenced arriving at the court-house fully two hours before the time set for the court to meet, and long before the court convened the court room was densely packed, and the sheriff had great difficulty to keep space for the defendant and the attorneys in the case. As the trial progressed the interest increased and scarcely anything was talked of. The court opened at the usual hour, and the court having announced that the jury box was full ordered the prosecution to proceed with the evidence. And the prosecutor at once called H. L. Bates, who testified as follows:

"I live in Bloomington, and on the day Chambers was arrested, I saw him ride into Bloomington; he came into town about 8 o'clock; was watching him but lost sight of him for awhile. When I saw him again he was on the south side of the square; from there he went on the east side and then on the north side, stopping at the livery stable known as the May stable; from there he went to Blair's shoe store on the west side; leaving there he started

down street and turned toward the depot. I then lost sight of him again. I next saw him on the bank corner. All this time he was alone except when he met people he knew, when he would stop and talk a few minutes. When the train whistled that came from the south, he was sitting down on the south side talking to some people; he immediately got up and crossed the court-house yard and sat down in front of the livery stable. This was the train Webber was coming on, and in going to the National hotel Webber would pass on the south side of the public square. Chambers seemed to be excited all the morning. In the afternoon, when in the court room, he was getting his breath fast, trembling and sweating. I am sure of this; I had been told to watch Chambers that day by Mr. Rogers, Frank Dobson and some others. No, Dobson is not an officer. I knew at that time that Chap May and Dobson were talking about defendant, and they had said to me that they believed he committed the crime."

George F. Webber was called next: "I am the father of Peter Webber; live at New Albany, Indiana, and work in the glass factory. I went with my son to Bloomington on the 15th day of May, last. My son had to wear a bandage on his head at that time. I went to the hotel with my son and others, and was there when Chambers came into the room. This was

the first time that I ever saw the defendant ; he was trembling ; he was in the room about ten minutes, and talked in a nervous manner. My son did not say a word while Chambers was in the room."

Colonel Friedly asked the defendant several questions about a man named Wright, which he answered, "I don't think any one else spoke while the defendant was there."

Harmon Fedder, after being sworn, said : "I am an artist by trade and profession ; saw the defendant on the day of his arrest. I was at May's livery stable on the north side of the square, when the defendant came there that morning, and heard Chambers ask Cole if Webber came on the train ; and Cole answered if he came he did not see him. After that Chambers left there and went to the Walnut Street Hotel, where he ate dinner. This was the day that defendant was arrested. I then noticed a scar on his face ; it was on his cheek ; it was about one and one-half inches long, and on left side of face. It was not very deep. I did not examine it closely. I did not notice any special excitement."

Walter Bradfute : "I am the editor and publisher of the Bloomington *Telephone*, and I saw the defendant the day of his arrest. He was on the south side of the square when I went to meet the north-bound noon train. I came back

as soon as the train came in and he was then gone from the south side. I did not pay much attention to him, only noticed him as I passed him."

Walter M. Shanks: "I live at Mitchell, Indiana, and have known the defendant some five or six years. I have for some years been the agent for the O. and M. Railroad, and I frequently billed stock that defendant was shipping. I was very well acquainted with him. I saw defendant in Mitchell last April. Dr. Yost and, I think, Professor Ellison were present when I met him on the platform at the depot. I shook hands and had some talk with him. I don't remember whether I introduced him to these men or not, but I remember the circumstance and that we had some talk. It was the 29th of April when I met the defendant at Mitchell. I think I am sure of this. I fix the date from the fact that the ex-clerk of Mitchell, Jesse Kelley, died on the 30th of April, and we were talking about his being sick when we met the defendant. Yes, I am sure we were talking about Kelley's sickness when the defendant came up. I feel positive of it."

Capt. David Kelley: "I live at Mitchell, and was the father of Jesse Kelley, who had been town clerk for some years; he died on the 30th of last April. Dr. Yost called to see him the

day before he died. He was called as a physician."

Dr. J. L. Yost: "I live at Mitchell, Ind., and am a practicing physician; was called in to see Jesse Kelley. This was the day before he died; this was about 10 o'clock, A. M., April 29th, 1885. Only saw him once. I fix the date from the fact that the next day I left for Washington City which was on the 30th of April, and from the entry on my books which was made at that time. As I came back from Kelley's I met Mr. Shanks on the platform at the depot. While we were talking, some stranger came up and shook hands with Shanks, and something was said about stock, and they walked off together, and Prof. Ellison about that time came up to me. I did not know the man who spoke to Shanks. I did not know the defendant at that time and have no acquaintance with him now."

Prof. David Ellison: "I live at Mitchell, Ind., and know the date when Jesse Kelley died, and know of Dr. Yost going to Washington City. I know about the time he went. I can't be sure as to the day. I met Dr. Yost and Mr. Shanks on the depot platform at Mitchell about that time. Some gentleman was with Mr. Shanks. I did not know the man; I paid no attention to the gentleman."

Henry C. May: "I live about one-half mile from the defendant's home, his father's house;

have known the defendant all his life. On the 30th of April last, in the afternoon, he came to my house to help me plant corn. Early that morning I sent Frank Skidmore, a boy living with me, to Mr. Chambers' house, to get some one to help me plant corn; I wanted some one in the afternoon. Defendant came and went to work about 2 o'clock in the afternoon and worked until night covering corn with a hoe. When we quit work he went to the house with me. I noticed a scar or sore on the side of his face; it looked fresh, as if it had been recently hurt. It was about an inch square, and I noticed his hands were skinned some. While we were waiting for supper we sat down near the fire-place where a small fire was burning, and while I was telling him about a big sale of cattle that had been made he went to sleep in his chair and fell over. After eating his supper he went home. I saw him again on Saturday and said to him that I had learned that there had been a railroad robbery on this road, and he answered 'yes, I was at town yesterday and heard of it,' and asked me what kind of a man do they say the robber is? I said 'Jode Crum says he is a man about six feet high and with sandy whiskers, and that the man who done the crime after getting off the train had passed through John Sherlock's farm. I then asked Crum if it was the conductor, and he answered, he guessed it was, and that the baggage-

master was the other robber. This conversation I repeated to Chambers, and he said, 'That is not the way of it.' The man who done the robbery entered the baggage car and knocked down the baggage-master and shot the express agent, and then made the baggage-master get the key from the express agent and open the safe and give him the money ; then he shot the baggage-master and jumped off the train. I said to defendant, I understand the man left a package of four thousand dollars behind. The money was left in the car. He said he had heard the same. Yes, I suspicioned the defendant. I thought he might be guilty ever since the evening he helped me plant corn. I wanted to find the man who was guilty of this crime, and I was working on the theory that Chesley Chambers was guilty. I believed I had enough evidence to convince me of his guilt."

Frank Skidmore : "I am eleven years old. I have lived with Mr. May since last April ; live near South Union. When we were planting corn I was sent to Mr. Chambers' to get some one to help us. I saw Chess at the barn, and told him Mr. May wanted help that afternoon to plant corn, and he said no one could go but himself, as the others were busy. I noticed a hurt on his face, and his left hand was skinned. I don't know whereabouts on his hand the hurt was. I said, 'You have hurt your face,' and he said 'Yes.'

He didn't tell me how he had hurt his face. He came and worked for us that afternoon; helped plant corn—covered corn. After we went to the house Chess nodded and fell over against the bureau, and we all laughed. He went to sleep, I think. He was reading a paper when he fell over."

J. B. Chambers: "I live in Louisville, Ky. On the 29th of April last I was conductor on the northbound night express that runs from Louisville to Chicago. Remember stopping at Harrodsburg tank. After leaving there and going some two miles the train commenced to slow up, or rather it was what we call a quick stop, air-brakes applied in full force. It was about the 'big rock' where we stopped. I was then in the smoking car. I walked forward in the car. I met Webber coming in from the baggage car. He was bareheaded, and the blood was streaming down the back of his head, and his face was almost entirely covered with blood. I never saw a more horrible spectacle. Blood seemed to be streaming from all parts of his head and face. Had we not caught him he would have fallen to the floor. We made him as easy as possible by laying him on the seats. Before he got off the train at Bloomington I found he had two wounds. One on his head made by a club or some blunt instrument, and the other a pistol ball in the face or side of head. On leaving Webber and go-

ing into the baggage car I found Davis, the messenger, lying on the floor to all appearances dead. While the train was running to Bloomington I washed the faces of both of the wounded men, removing the blood as well as I could, thinking that Davis possibly might come to, but he didn't, and on arriving at Bloomington we had no hopes of Davis's recovery. There was a lot of express goods piled against the other two doors of the baggage car. I mean the side and door next the engine. The door leading to the smoker was the only door that was opened that night. I am not now employed by the railroad company. There were several passengers in the smoker that night, and among them Mr. Hall. After the wounded men were taken off at Bloomington I did not see them again. I made the run to Chicago that night."

Mrs. Henry C. May: "I am the wife of the witness, Henry C. May, and on the 30th of April the defendant was at our house; helped us to plant corn in the afternoon and came to the house late in the evening with my husband, and while waiting for supper he fell asleep while sitting in a chair, and fell over against the bureau. I noticed a hurt on his face. Did not pay particular attention to it. Looked like the wounds were recently made."

Joseph Stimpfchen: "I live at Stimpfchen, Ind., and am an engineer by trade. I was on

the train that was robbed, got on at Bedford and was in the smoking car. I was not at work for the company at that time. Just after we left the water tank at Harrodsburg I saw a man pass through the car I was in. He had a hickory club in his hand. (Here a club was handed witness, which he said looked like the same one.) The man who had the club went out at the door towards the baggage car. I did not know the defendant at that time, but this man favored the defendant. I think it was the defendant. I had not told any one what my evidence would be. Col. Friedly did not know what I would say when he put me on the stand. I did not say yesterday in Fitzpatrick's saloon that I saw Chesley Chambers three months ago. I did not say that Col. Friedly was to pay my board or that he was standing good for it. Never talked to any one about my evidence before I came on the stand."

Frank R. Wooley: "Lou. D. Rogers and myself are in the real estate, insurance and collecting business; Mr. Rogers is my partner. In July, 1884, we made a loan to Mr. Chambers of seventy-five dollars, and at another time he borrowed one hundred dollars of us. I do not know when this last loan was made, but I think it was in last March. He paid us one hundred and seventy-six dollars on the 13th of May, 1885. The books show a payment of one hun-

dred and fifty-seven dollars on the 11th of August, 1885, and three hundred and eighty dollars on May 30th, but I have no recollection of these payments. I only find a record of them on our books."

Lou. D. Rogers: "I am the partner of Mr. Wooley. On April 11th, 1885, the defendant borrowed of us \$100.00; on April 18th \$150.00, and he made the payments testified to by my partner. I think Mr. W. H. East made the last payment to us. These were notes he was paying off; it was for money loaned to him. I am not able to give the amount or dates of the loans, and the same is true about the payments. In the last two or three years we have made him several loans, all of which have been paid."

Walter E. Woodburn: "I am cashier of the First National Bank here and I know the defendant. I was acquainted with him on May 1st, 1885. On that day he paid the bank \$50.00, and on the 15th of the same month \$50.00. This was in payment of borrowed money. The loan was originally for one hundred dollars."

John B. Crafton: "I was conductor on this road in April, 1885. I am now, and was then, acquainted with the defendant. On the 27th of April the defendant rode on the train from Smithville to Mitchell; it was in the evening, nearly night. I have known Chesley Chambers a good many years. I don't think I spoke to

him as we went down to Mitchell. I don't remember whether he had a ticket or paid fare. I did not say to Dr. McLaughlan about two weeks after the robbery in Harrodsburg that I did not know the defendant. I might possibly be mistaken about the date, but I don't think I am."

Lewis Duncan: "I live at Smithville, and was there on the 27th, 28th and 29th of April last; did not see Chesley Chambers there. I knew him at that time."

David Burkhardt: "I live at Smithville, and saw Chesley Chambers at Smithville some time about the last of April, but can't fix the date. I saw him on the depot platform and had some talk with him about staves. I lived at Smithville then, and do now."

Isaac Sutphin: "I live at Smithville and saw the defendant on the 28th of last April, at Smithville at the depot and talked with him. I was there when the train left going south, but did not notice whether the defendant got on the train or not. From some business transactions that I had, I think that was the date."

Charles R. Hubbard: "I live at Cincinnati, Ohio. I am a member of the firm of Green, Huddleson & Co., live stock dealers. Have known the defendant three or four years. Our firm sold stock for him. He is in debt to us. This came about by over drafts. He now owes us about \$235. From September to December,

1884, we paid the defendant a little over six thousand dollars. On December 3d, we paid Homer Chambers something over five hundred dollars. The defendant has done a large business with us in the last few years. We never refused him credit. He was authorized to draw on us for any reasonable amount. We honored his drafts and his credit with us was good.

CHAPTER IX.

Major Silas Grimes : "I live near Smithville, Ind., and accompanied Ren C. Smith in his search at the scene of the robbery." Here the witness corroborated Mr. Smith as to money found and other circumstances which happened the day after the robbery. As his evidence was the same as Mr. Smith's, we do not repeat it here.

Tilghman Mefford : "I know the defendant and have known him about five years. The defendant owed me \$150.00 and paid me last May. I don't know what time in the month it was. I did not get the money from the defendant ; it was paid me by W. H. East. Mr. East and I went to Chambers' house a few days after his arrest. I went to see him about the money that day or the next. Mr. East paid me a large part of it and the rest in a few days."

Taylor Voss : "I live here in Bloomington, and am a barber, and I know the defendant. In April or May last, the defendant came into my shop. I think it was the day he was arrested, and I cut his hair and shaved him. His mustache had been trimmed by some one. When

shaving him I noticed a small hurt on his face; it was about the size of a silver half dollar."

Alvin Rhorer: "I live three miles south of here and know the defendant. On the 29th of April last, I saw him in Mitchell. I was there going to school. We had some talk together there about the stock trade. I met him about a square north of the stockyards, about two squares north of the depot in Mitchell. It was about 9 o'clock in the morning. I am not sure about the time; it may have been two or three days either before or after that date. I don't know whether it was before the death of Kelley or not. I heard about his death at the time, but it did not connect itself in any way with seeing the defendant so I can't certainly fix the date."

At this point court adjourned until next morning at 9 o'clock.

The interest during the day had not abated and the people seemed as anxious to hear as at first. It had been proved long before this that whatever might be the result, the case would be well tried.

Court met promptly next morning at the appointed hour, the court room being still densely crowded. This only caused a few minutes' delay, and the trial proceeded.

J. O. Howe: "I am the agent of the American Express Company. I live in this city. I went to the scene of the robbery with the city

marshal and others. Went down on one of the company's engines. I took charge of the packages of money that were found there. The amount marked on them was \$338. There was blood on some of the packages. Looked as if they had been handled by some one with blood on their hands. I turned the money over to the express company. The revolver and club was expressed to me, and I kept them until court began. We found shoe or boot tracks in several places. Some of the tracks were measured. They led towards the west. I noticed drops of blood on the ground and leaves. These also led westward. The revolver and club are here in court. These are the ones."

J. B. Troutman: "I was the route agent for the American Express Company last April. The amount lost by the company in the robbery was about \$1,650, and about \$350 of this was recovered back. This is the money Mr. Howe refers to, and which he turned over to the company."

William Burton: "I am in the employ of the American Express Company, and was last April. I put up the packages which were sent out on the night train on the 29th of last April. The packages were as follows: One containing \$1.90, with this ring, valued at \$5; \$8.40; \$880, \$20, \$162. In all there was sent out that night \$1,650. The \$880 package was nearly

all in ten dollar bills. There may have been two twenty dollar bills. The balance were in tens. In putting up packages of money, they are always sewed through the bills, and this always leaves a hole in the money, sometimes in the ends, but generally in the middle of the bill. Yes, nearly all bills, except raw ones, have holes in them. I gave these packages of money to George Davis, the express messenger, who gave me a receipt for them."

Dr. G. W. Bryan: "I saw Webber soon after he arrived here; only a few minutes after he was taken off the train. He was taken to the Orchard Hotel. Davis was also there. I examined both of them in connection with other physicians. I found the upper part of Webber's head bruised and a gunshot wound on the side of his face and head; he was conscious and was able to give a description of the robber. Davis was also wounded in the head by a pistol shot; he was not conscious. I helped dress their wounds; they had both lost considerable blood. Davis was still unconscious when he was taken away.

George K. Davis: "I am twenty-four years old; live in Louisville, Kentucky. I was express messenger on the night express going north on the 29th of last April. I remember starting on the run that night; remember when we were at Bedford. Usually when leaving Bed-

ford I made up the packages for Greencastle, and I suppose I did so on that night, but I have no remembrance of it. I do not remember anything after leaving Bedford that night, only that I have an impression that I lay down in the baggage car sometime after leaving Bedford, and that I left Webber up. I do not remember anything about the robbery. My memory comes back very slowly. I have tried very hard to recollect about the robbery, but I can't; it's all a blank." Here a pistol was handed to witness. "This is my pistol; I had it with me that night; it was returned to me through the express office. I am not now running on the road, and have not been since the 29th of April. I am staying in the office of the company at Louisville; I have not been able to work since I was shot. When I had time I usually laid down in the car, and had the packages under me. My revolver was in a rack within reach of me."

Jonas R. May: "The defendant, in January, 1885, owed me \$215; it was for cattle he bought of me. In August, 1885, he paid me \$140. I had his note, with his father and Mr. Woodward as security."

W. H. East: "About the last of May defendant gave me some money to settle with Mefford. I think it was about \$140.00. Yes, I am one of the attorneys for the defendant.

Mefford had a note against the defendant and this money was to settle that. I secured a loan for the defendant's father for \$800.00 in August, 1885, I think it was. He placed a mortgage on his farm for the amount. I do not remember that Mr. Chambers paid any part of our fee until the loan was secured by his father; if so, he did not pay it to me. He paid us \$75.00 out of the loan."

Dr. Jas. D. Maxwell: "I saw the two men as soon as they were taken to the Orchard House, examined the wounds and helped dress them; think the blow on Davis' head caused him to lose his senses. I mean the blow with the club; but the permanent want of memory was probably caused by the shot. The pistol shot ranged forward and upward, and for this reason I think he was lying down when shot. Webbers' wound was obliquely downward and he was likely shot while standing up." The doctor then gave a minute description of the wounds.

Peter Webber was the next witness called; in the meantime the interest in the trial seemed to have increased, and so anxious were the people to hear his testimony that not even a whisper was heard during the long period of time that he was on the stand. His evidence was as follows:

"On the evening of the 29th of last April, I left Louisville bound for Chicago, being the

baggage-master on the night express. Upon leaving Bedford I went into the smoking car for a few minutes; when the train whistled for Harrodsburg I went into the baggage car and while they were taking water at the tank, I took two quilts out of the train-box and spread them over a box making a kind of bed. This was done about the time the train started, and I lay down on this. We had not gone far from there, not more than a mile or two, when I felt something hit me on the head. My first thought was, for I suppose I was partially asleep, that it was the conductor. He had come in once or twice before on other nights and waked us up by hitting us over the head, but this blow was too hard. I rose up to see what was the matter; as I got up I saw a man standing in front of me with a hickory club in his hand. I looked at him a moment, and then, as he did not say anything, I decided that he was crazy. I rushed at him with the intention of taking the club from him, but before I reached him he struck me with the club and I fell to the floor; as I dropped down he crossed to where Davis was and struck him over the head with the club. The blow partially stunned Davis, but he staggered to his feet and reached to get his pistol, which was in a pigeon hole in the side of the car. While Davis was doing this, the robber pulled a pistol from his pocket and shot him; with a loud groan Davis fell to

the floor and did not get up again. The man stooped over Davis and took his pistol out of his hand and turning to me with an oath said: 'Open that safe.'

"I managed to get on my feet and staggered over toward the safe and said to him that I had no key to the safe; he answered, 'Take the key out of that man's [Davis'] pocket.' I stooped down and took the key from Mr. Davis' pocket and unlocked the safe; threw the lid back; then he motioned for me to stand back from the safe. He still had his pistol pointed at me; it was in his right hand. He went to the safe, and keeping the pistol in his right hand with his left he rifled the safe, taking the money packages out. When he had robbed the safe I said to him, 'You surely won't shoot me now,' and he said, 'No, I guess not.' At the same moment he made a step toward me and fired, the bullet passing through the side of my face and head. I heard the report, felt the ball and fell to the floor. I think I got up at once, but am not sure, and at once pulled the bell rope. As the train slacked up the man jumped off the train. I staggered across the room toward the rear end of the car; when I got to the door and stepped on the platform he was out of sight. I managed to get into the smoking car and told the passengers and conductor, whom I met, what had happened. The train stopped and they searched

around there for the robber, and brought in a man, a tramp, from the front end of the train, but he was not the man and I so told them. We then came to Bloomington, and Mr. Davis and myself were taken to the Orchard House, where our wounds were dressed. Yes, I gave a description of the robber that night; it was as follows or nearly so: He did not appear to be quite as tall as myself, but he might have been; he was heavily built; had on gray pants. I am not sure as to whether they were jeans, but of a grayish color and had been worn for some time. His coat and vest I don't remember much about and can't describe them, only they were darker than the pants. He had on a slouch hat with the rim turned down in front; it flopped down over his eyes, but I saw his face and eyes distinctly. He had light complexion, with a very light colored mustache, full face and very large head opposite the eyes; high cheek bones. It was hardly what would be called a broad face, but this way very narrow at the lower part and broad at the top; very broad across the forehead and cheek bones. I had a good look at the man when in the car.

"Yes, I was excited; was considerably excited; from his looks I thought the man lived in the country. I feel sure I have seen the robber since that night. Saw him about the 15th of May. This was the first time that I had seen

him after the robbery. It was while I was at the National House in this city, and I recognized him as he passed the window of the hotel. I had before that seen Wright at the hotel, and as soon as I saw him I knew he was not the robber, and at once told Mr Friedly and others that he was not the man. Mr. Friedly said to me that there was another man that they wished me to see. They did not tell me who it was and I was in the hotel parlor waiting when I saw the man pass the window. I knew he was the man who shot me. It stunned me at first so that I could not speak and could only grasp Col. Friedly's arm. He came into the room at the front door and as he came in I had a good view of him, and I then felt certain he was the man who robbed the express company and shot Davis and me. He took a seat with the side of his face towards me, and Col. Friedly asked him several questions about Mr. Wright, and finally said to him, 'This is all at the present time,' when he got up and went out. After he left Col. Friedly asked me if he was the man, and I said to him, 'I want to see you outside of the room.' We went out in the hall and I there told Mr. Friedly that he was the man, and then for the first time I learned that the man's name was Chesley Chambers. I have not seen the defendant from that day until, as I came from the train to-day, I saw him in front of a store on the south side, with some other gentlemen, and I recognized him in an in-

stant. I also passed him two or three times on the street to-day. No word was spoken by either of us, but I knew he was the man who came so near killing me on that night. I could scarcely control myself when I saw him. On the night of the robbery I stayed at the Orchard House until the next morning, when I was taken home on the train that left here at 4 o'clock, and was not able to do any work for thirty-two days. I am certain the defendant is the man who entered the car that night. I do not have any doubt about it. I am absolutely sure of it. He has had his mustache cut since that night, has had it trimmed since then. This happened in Monroe county and state of Indiana. The man left the club in the car, lying close to Davis. In opening the lid of the safe several drops of my blood fell on the money packages and this may have been the blood that was found on the packages. I think I pulled the bell before the robber left the car, but am not sure. Any way he was out of sight when I got to the door and opened it.

"I was excited that night, but when the man turned and faced me and pointed the pistol at my head and we stood looking at each other for a few moments, his every feature was so firmly impressed on my mind that I could not forget him, and that is the man who sits there.

"No; I never recognized any other person and said he was the man. I am not entirely well, but able to do some work."

CHAPTER X.

The evidence of Webber closed the case for the prosecution, and it was conceded on all sides that the state had so far conducted the case in a skillful and masterly manner, and that it would be necessary for the defense to use all their learning and skill. We do not mean to say that the belief was that the defendant was guilty, but that the state had made her case appear in the most favorable light and had well tried her side of it.

The defense had reserved the statement of their side of the case until the state should close her evidence.

Hon. John R. East was chosen to present the case for the defendant. His statement was substantially as follows:

“Gentlemen of the jury: This is the first time that this defendant has had the chance or opportunity to appear and be heard since this prosecution, or I might say persecution, begun, and you will see, gentlemen, that I am fully justified in applying that term before we close this case. Not only is the state of Indiana prosecuting this man, but two of the greatest corporations in the

West are bending all their energies and using all the machinery at their command to secure the conviction of this defendant, so you can see that were we not fortified by the innocence of the defendant we would enter into this case with fear and trembling and might well be doubtful of the result. This case is docketed The State of Indiana vs. Chesley Chambers. It should be entered on the record The Louisville, New Albany and Chicago Railway Company and the American Express Company vs. Chesley Chambers. These two great corporations have fastened their fangs on the defendant and must convict him or suffer themselves. A victim must be found. They have failed to find the guilty men; have failed to find the real perpetrators of the crime, and have pounced upon the defendant because he has a light mustache, and the real robber has escaped.

"This was not the first man they have said was guilty. Oh, no; the first was a tramp. Next, they arrested a man by the name of Wright, and while they had Mr. Wright in custody they were as confident that he was guilty as they are now that the defendant is the man, but they found that these other men could prove their innocence; but Chambers was not arrested until two weeks after the robbery was perpetrated, and they concluded that this length of time having elapsed it might be that the defendant could not

prove his innocence, that he could not show where he was on the night of the robbery two weeks back. But thanks to the defendant's good habits we will be able to prove where he was, convince you of his innocence, and that it was impossible for him to have committed this crime, or been in any way connected with it.

"Before detailing to you what we shall prove in this case I want to say to you that no man will go further or do more to punish the man or men who committed this crime than myself, and I would not raise my voice in defense of Chesley Chambers if I for a moment believed in his guilt, and I know that I can say the same for my co-counsel in this case. We join hands with the prosecution in condemning this crime, and in connection with all other good citizens we will use all our energies to bring the crime home to the guilty parties and to see that the punishment is meted out to the guilty ones as they so surely deserve. Something has been said about the defendant playing cards. This we do not believe is true; but if it's true that at some time he did play a social game of euchre for fun it would not be a crime and should have no bearing with you in this case; but you will find this is not the fact, but on the other hand the defendant has always lived an upright and honorable life.

"We shall bring his neighbors here to prove his good character and standing, in such numbers that even this prosecution shall cry enough.

"It will be shown to you that the tracks talked about could not have been made by the defendant; that they did not lead towards the defendant's house, but south of there; that these tracks were made by a number ten boot and the defendant wears a seven.

"The defense in this case could only be of one kind, that is, that the defendant was somewhere else at the time the crime was committed. This defense is called an alibi, and is sometimes the only defense an innocent man has, and in this case it is the defense of Chesley Chambers. He was at home that day and night working for his father, and never dreamed of being accused of committing this crime. Never had the least idea that anyone suspected him until he was arrested by Mr. Smith. Is it any wonder that the arrest made him change color, that he was somewhat excited? Yet, gentlemen of the jury, his conduct on that occasion was that of an innocent man. He was not more excited than you and I would have been under the same circumstances. As I said, he was at home the day of the robbery, working on the farm; making boards, I think, and stayed at home the night the robbery was committed.

"We shall not only show you by the evidence of all the family, father, step-mother, brothers and sister, and the Robinson boy, but by his neighbors who saw him working on that day,

that he was at home on the day and night of the 29th of last April and could not have committed this crime. This proof will be clear and convincing to you when you see his old gray-haired father and hear him testify; you will say to yourselves this man would not swear falsely even if it would keep his favorite son out of the penitentiary. And unless I am greatly mistaken, the whole family will impress it on your minds that their testimony is true, and that the defendant was at home at his father's house on the day and night of the 29th of April. We will show you by his neighbors that they saw him making boards on the 29th of April; that they saw him as late as four o'clock in the evening, too late for him to have committed the crime that night. We can even prove that he was at home the day before the robbery. It is true that about a week before the robbery was committed the defendant was at Mitchell, and Mr. Shanks and others did see him at Mitchell, but they were mistaken as to when it was. It was a week before the robbery when they saw him there. It is easy to be mistaken in dates, and this is especially true when some time elapses before thinking of the matter, as it did in this case.

"These witnesses were no doubt honest in believing that at the time they saw the defendant in Mitchell it was the week of the robbery. They attached no importance to the circumstance

at the time, and could afterwards be easily mistaken as to when they met the defendant. The prosecution started out on the theory that some one in the neighborhood committed the crime, and, having once started on that line, they must carry it out. They must find a victim, and unfortunately the defendant was light complexioned. Had a light mustache and resembled the description of the robber as given by Webber.

"This was sufficient to cause the arrest of the defendant. Enough to start the prosecution and carry it on, unless it was admitted that the theory of the state was wrong. And none of us like to acknowledge that we have made a mistake. We will show you that the man who entered the car that night was not Chesley Chambers; that the man who carried the club was not the defendant. The robber was on the train that night; he was seen before he reached Harrodsburg, and had the club in his hand; the identical stick that has been shown you. It so happened that, on the 29th of last April, one or more of our citizens had gone to Mitchell to be examined for pensions, and they came back on the train that was robbed. They knew the defendant, and one of them had known him for years. This man saw the man with the club; saw him on the train that night; on the train that was robbed; and I think that he had some talk with the man, but of this I am not sure. Any way, he

knows that the man who was carrying the club and on the train that night was not Chesley Chambers; was not the defendant, but some one else. Don't you believe, gentlemen of the jury, that the man who was carrying the club was the perpetrator of the crime?

As I said before we will show you by the evidence that it was not the defendant who was carrying the club that night, and we will also prove to you that this man was noticed sitting in the smoking car soon after the train left Mitchell; that he continued in that car until the train was near Harrodsburg station; that just before reaching that station he got up, and with the club still in his hand passed out at the front door of the smoking car, I mean the door next to the baggage car, and was seen no more by any of the trainmen or passengers that night. He was not on the train that night when it reached Bloomington, and the train had not stopped between the tank at Harrodsburg and Bloomington, except at the place where the robbery was committed. If this man was not the robber what became of him and how did the club get out of his hands into that of the perpetrator of the crime? We admit that the defendant was doing a large business; that he was shipping considerable stock and that he only had a small capital, and was in fact "hard up;" but while doing this we shall insist that all his dealings were honor-

able; that if sometimes in need of money he had a good credit and could get whatever amount he might need, and that some of the wealthiest men in the county were ready and had indorsed for him. We can show you, if the court allow us, that he could borrow whatever amount of money he might want to use; besides this his credit in Cincinnati was good. We will also prove to you where he received every dollar of the money that he paid out. At present I will not go into the details, shall not attempt to give the items, and only say that he had some money on hands derived from different sources; some from the sale of stock, some out of a loan made to his father; but the evidence will convince you that all his transactions have been open and fair and that he honestly came by every cent of money that he paid out. His tax assessment which we will introduce shows that on the first day of last April he had at that time on hands six hundred dollars, and a man is not likely to give in for taxes something he has not got. This is almost as much as they claim he paid out, and I only mention it so that you may see now that we will have no trouble in showing his money transactions; every cent that he paid out shall be accounted for by the proof, which will be clear and indisputable.

"The scratches on hands and face will be accounted for to your satisfaction. These scratches

or bruises are a little like making a mountain out of a mole hill. The proof will show you that the second day after the robbery the defendant came to town with one or two gentlemen and these men did not notice that his face or hands were hurt. Several people saw him at church on the Sunday after the robbery and they did not notice any hurts. It will be shown you, gentlemen, that these scratches have been very much magnified and are not nearly so important as this prosecution would have you believe, but small as they were we shall convince you by the proof how the defendant got the hurts; they will be fully explained. The evidence will show you that on the day the defendant was arrested he was not excited, but that he went around town attending to his business as usual; that he was on the south side of the square when Webber came; that he was willing to go to the hotel where Webber was, and that if Webber recognized him, or claimed to, he did not say so, or indicate it in any way. We will prove to you that the defendant showed no indications of guilt, and has at all times conducted himself as an innocent man. The prosecution would have you believe that Chesley Chambers was alone guilty of the crime, and if the defendant was guilty their theory might be correct; but the defendant is innocent, and more than one party was concerned in the crime, as we will

show you ; three parties at least were guilty ; they were seen just after the commission of the crime. I have endeavored to give you a fair statement of what the evidence will be, and I think it will bear out every statement that I have made to you. If a large number of the witnesses are relatives of the defendant, that does not necessarily detract or decrease the weight of it. It frequently happens in cases of this kind that the defense must rely solely on the members of his family. And in this case the defense rests largely with the members of the defendant's father's family, and on the fact that the defendant was at home on the 29th of last April. As to the tracks leading westward from the scene of the crime, and therefore toward the defendant's home, should have small weight, for this evidence would equally apply to any one else living west ; besides we will show you that the track is three sizes too large for the boot of the defendant. Chesley Chambers will prove all that it is possible for an innocent man to do, his absence from the scene of the crime ; this is all he can do, but this proof will be clear and convincing, and will satisfy you that whoever committed this crime, the defendant is innocent ; and when you hear all the evidence, you will so say by your verdict."

The statement for the defense was listened to with the closest attention, and it could be seen

that the remarks of counsel visibly affected all who heard them.

The first few words of counsel showed the deep interest he felt in the case, and while always an eloquent speaker, his interest, feelings, sympathy and belief in the innocence of his client caused him to surpass himself, and his review of what the evidence would be for the defense was a strong argument, and gave evidence of a careful study of the case.

We should be glad to give the reader the *verbatim* statements of the prosecution and defense, but unfortunately this can not be done, and if it could space would not permit it.

When the statement of the defense was concluded, after a recess of a few minutes, the defense commenced the introduction of their evidence.

CHAPTER XI.

James B. Pauley: "I have known the defendant all his life and know his reputation for peace, honesty and integrity. It is good in the neighborhood in which he resides."

Wm. J. Allen first testified as to the defendant's good character and then said: "I saw the defendant on the day he was arrested; think it was the 15th of May. I talked to him before he was arrested. He did not seem to be alarmed, and I don't think he was excited. I am sure he was not excited when I saw him. I met him some time before noon.

John B. Hazel testified as to defendant's good character for peace and honesty, and said: "I am one of Chesley's nearest neighbors and saw him almost every day before and after the robbery. I noticed no difference in his mustache and feel sure that I would have noticed it if it had been trimmed or cut off. I saw him at South Union church the Sunday after he was arrested. Was close to him. I did not see any scar or hurt on his face or hands. It must have

been a very small matter or I should have noticed it."

Absalom Ketchum here testified to the good character of the defendant for peace and honesty.

Jacob Carmichael, Walter Ketchum, Alfred Thrasher and twenty-eight other good citizens of the county testified that the defendant's character for peace and honesty in the neighborhood where he lived was good. These witnesses were some of the best men in the county and doubtless had an important influence on the jury.

Paris Koontz: "I have known the defendant all my life. His character for peace and honesty is good. I was at South Union church the Sunday after the robbery and saw the defendant. I noticed a small scratch on his face. It was hardly what might be called a wound or bruise. It was simply the skin off of a place on the side of his face the size of a pea. It was a very small matter and could not have bled much, if at all. It was not deep enough, only the skin knocked off. I came to town with him about the time he was arrested and did not at that time see anything the matter with his face. The hurt that I had noticed before must have got well by that time. I never noticed at any time that his hands were hurt. If I had noticed that the skin was knocked off his hands I should not have paid much attention to that, for it is not unusual for a

farmer to hurt his hands at that time in the year."

B. F. Treat: "I am a minister and preach at South Union church occasionally. The defendant's character for peace and honesty is good in that neighborhood."

Henry Buskirk: "I am county surveyor. On Friday after the robbery I came with the defendant to town and we went home together that evening. I did not notice any hurt or scar on his face or hands. Also seen him the Sunday following at South Union church and noticed no hurts. His character for peace and honesty is and was at that time good."

Jacob Carmichael: "On the Sunday after the robbery I saw the defendant at South Union Church. I then noticed what I would call a scratch on the left side of his face; it was about one-fourth by one-half inch in size; not deep, just through the skin. Yes, I saw him on the day of his arrest. I saw nothing unusual in his appearance that day; he was not excited. The wound on the face could not have bled much; only a little scratch; did not pay any special attention to it."

Albert Jeffries first testified to the defendant's good character, then said:

"I saw the defendant on the day that he was arrested; was with him several times; noticed

nothing peculiar about him, and did not think he was excited."

Here the defendant offered to prove by fifty more witnesses that his character was good for peace and honesty in the neighborhood where he lived.

The prosecution at this point said that they would admit that the defendant's character was good.

The court then turned to the jury and said to them that the good character of the defendant for peace and honesty had been sufficiently proven, and that they should consider this fact as being clearly established.

William T. Blair: "On the day of his arrest the defendant was in my store, and I met him several times afterwards that day. I noticed nothing peculiar about him. He was not trembling and did not seem scared or excited at any time when in my presence."

John Cole: "I am one of the proprietors of a livery stable located on the north side of the square. On the day of his arrest the defendant put his horse in our stable. He came into town between 10 and 11 o'clock that day. Met him several times that day and had some talk with him. He was not sweating, trembling or scared at any time when in my presence that day. He seemed to be in his usual spirits; noticed nothing unusual."

Peter Bowman: "Chambers came into my drug store that morning and bought some cigars. I refer to the day he was arrested. I met him, probably, a dozen times on that day; he was attending to his business as usual. I did not see anything unusual in his actions. He did not appear to be scared or excited. He has always stood high among his acquaintances as an honorable and upright gentleman. I have seen him, I suppose, about once or twice a week for the past year. I noticed no difference in his mustache on the day that he was arrested."

J. D. Chambers: "I was the conductor on the train that was robbed. I am no relation of the defendant. I was in the smoking car when the robbery occurred and did not see any one on the train or passing through it with a club in his hand. No, I did not see the defendant on the train. I knew him at that time."

Ollie Barton: "I was a brakeman on the train that was robbed, and I knew the witness, Stinehagen. Did not see him on the train that night. If he was on the train I did not see him. Also knew the defendant, but did not see him that night. Did not see anyone pass through the car with a club or cane in his hand. I was in the smoking car at the time the robbery occurred. Do not think we stopped between the place of the robbery and Bloomington. I don't think that train stopped at Stinesville."

Hon. R. A. Fulk: "I went away on the midnight train the night the robbery was committed; this was the train that was robbed. Did not see the defendant or anyone else I knew on the train, except Mr. Rogers, who went away with me. I knew the witness Stinehagen. This train did not stop at Stinesville that night."

Daniel Stout: "I am the bar-keeper for Mr. Fitzpatrick in his saloon here in the city. Some time before he testified, Mr. Stinehagen was in the saloon and he was talking about the express robbery. He said he knew the defendant; had known him a long time before the night of the robbery, but did not say that he saw the defendant the night of the robbery."

Patrick Fitzpatrick: "I am the proprietor of the saloon spoken of and I stay in the saloon nearly all the time. Saw Stinehagen in my saloon last Friday night. This was the first time I ever saw him. He said he saw the defendant three months before the robbery and had a talk with him, but did not see him on the night of the robbery. If he had seen the defendant on the night of the robbery he would have recognized him. I am sure I did not see him the night of the train robbery, he said."

John M. Stephenson: "I paid the defendant for some cattle I got of him. I am not sure as to the exact time, but think it was in January or February, 1885. I paid him about \$120. I

think I received a part of this money from Cincinnati by express. Nearly all paper money has holes in it."

Henry C. Duncan: "I am one of the counsel for the defendant in this case. Was on the train the night of the robbery, myself and wife. We came up from Bedford. Did not see the defendant or any one else pass through the train with a club or cane in his hand. We were in the ladies' car. When the train stopped at the big rock, on Smithville hill, the window was raised and I looked out; we thought something might be wrong with the train, but we did not then learn what the trouble was. About the time that the train stopped that night I saw some persons dodge down behind some rocks; there were three of them. They were some distance from the train, some twenty or thirty steps away; it was a light night, moon was shining. I am reasonably sure I saw three men that night; they were on the west side of the track. We did not learn of the robbery until we arrived at Bloomington. I remember seeing Mr. Dilleon on the train. I knew Mr. Stinehagen, but did not see him that night."

Walter E. Woodburn: "I am the cashier of the First National Bank, and handle a large amount of money. Nearly all bills have holes in them, sometimes made by folding, other times by the express company, and banks frequently

pin money together. Nearly all bills have holes punctured through them, except new ones."

Pinkney G. Moore: "I live in Paris, Illinois. The defendant sent after me to come and testify; he paid my fees and expenses. I came up on the express as far as Harrodsburg on the night of the robbery. I got off at the water tank. I was well acquainted with the defendant at that time. I had been to Mitchell that day to be examined for an increase in my pension, and I did not see the defendant on the train that night. If he had been on the train that night I feel sure I would have seen him, for I went through the train to see if I could see any one I knew so as to talk to them. I did not see any one I knew. I had lived close to Chess and knew him well. I was in the smoking car; just after leaving Mitchell a man came in the car where I was and had a cane in his hand. It was a common-looking cane, such a one as a man would cut in the woods. I did not notice what kind of wood it was; it might have been hickory or sugar, or still some other kind of wood. When I got off the car at the water tank I left him in the car. I went straight home that night; got home about 12 o'clock. The man who had the cane in his hand that night was medium-sized, had a very heavy mustache, which almost covered his mouth. I noticed his mustache from the fact that he seemed

to have a habit of pulling his mustache, or of pushing it away from his mouth; had fair complexion and rather light hair, I think, but am not sure. I did not notice him very closely, as I had no cause for doing so. He had done nothing to raise my suspicions; we had some conversation. I don't remember just what. I think it was about the country that we were passing through. The man did not impress me favorably. I can't give any special reason, any more than I did not like his looks. I have known the defendant fifteen or twenty years. Yes, I had a talk with Mr. Buchanan and what I said to him was 'that I did not think Chesley guilty; that he was not on the train that night, and that I had been told that the conductor's name was Chambers. I am very certain Chess was not on the train."

Mrs. Henry C. Duncan: "I am the wife of Henry C. Duncan and was on the train the night of the robbery. I remember where the train stopped, between Harrodsburg and Smithville. Mr. Duncan raised the window and we looked out; the moon was shining. Did not see Mr. Dillion that night. Do not remember seeing any one pass through the car. When the train stopped there and the window was raised I saw two or three men dodge down behind the rocks. At that time I did not know there had been a robbery committed, and did not hear about it

until we arrived at Bloomington. The men I saw were on the west side of the track, and about twenty steps away. I did not say anything about it at the time, but afterwards I told my husband what I had seen."

Thomas Mathers: "I saw the defendant a few days after the robbery, less than a week, and did not notice any scars or hurt on his face or hands. I am well acquainted with him."

Hazel T. Smallwood: "I am the agent of the express company at Harrodsburg. I went with Maj. Grimes that night to the place where the robbery took place. We found the \$16.00 scattered along close to the track. It was all in silver dollars. We saw lots of blood. It was in drops and continued to find it for one-half mile from the railroad. Some of the crowd picked up leaves with blood on them. I saw the tracks but did not measure them. Some of the others did. When we got to the road we could not tell whether the robbers went west or followed the road north. The direction before that had been west."

Thomas Harford: "I saw Steinhagen in Fitzpatrick's saloon last Friday night and heard him say he was acquainted with the defendant before the robbery."

Samuel Turner: "My farm adjoins the Chambers' farm. I saw the defendant on Tuesday, the 28th of April. Sometime between 12

and 2 o'clock he was between his father's house and barn. I stopped and talked with him about half an hour. I know this was the day because we finished planting a four acre field of corn that day. A few days afterward I noticed that some one had made some boards close to a field where my son Bud was working. I did not see the defendant on the 29th of April. I was not in sight of where the boards were made on that day."

Bud Turner: "I am the son of Samuel Turner and live with him; have done so since my wife died. On the 29th of last April I was plowing in a field adjoining Chambers' land, and I saw the defendant that day. He was about a quarter of a mile from me riving boards. He commenced work between 8 and 9 o'clock in the morning and quit a little after four o'clock in the evening. I noticed him frequently during the day. I know this was the day because this was the first day that I worked in that field. The day before this we had finished planting the four acre field. I saw the defendant a few days after the robbery, perhaps it was not until the Sunday following. I did not notice any hurt on his hands or face. I never at any time played cards with him on Sunday. I am not related to him in any way; lived within a quarter of a mile of him and have known him all of his life."

Mrs. Ellen Chambers: "I am the wife of Hezekiah Chambers; his second wife. I heard

of the robbery a few days after it occurred. I think I heard of it on the Friday following. I heard of Chesley's arrest the day he was arrested. I know when the boy who stays at Chap May's came to get Chesley to help plant corn. Chesley went there in the afternoon. The day before he went to May's he was working at home; he was making boards. The robbery, I was informed, was on the 29th of April. When he was arrested I commenced studying where Chesley was on the day and night of the robbery, and I then remembered he was making boards; this was the day before he worked for May. Before we go to bed of a night all the family meet in my room and spend some time before retiring. We read, talk and work. Chesley nearly always reads some; reads the papers and very often reads aloud.

"Chesley's room is directly over mine; he and the other boys sleep in the same room. We usually sit around the fire in my room for an hour or more. On the 29th of last April Chesley came to the house from where he was working a little earlier than usual. I don't know just the time but think it was between four and five o'clock. He said he was very tired and sat down on the steps awhile before going into the house; he was so tired that some of the other boys did the feeding that evening. After supper we all went to my room and Chesley

read awhile and then pulled his coat and shoes off and went up stairs to bed ; he left his coat and shoes in my room ; the other boys retired about the same time. He would have to pass through my room to get out of the house ; he could not have done this without waking me ; I am a very light sleeper. We went to bed that night about the usual time, half past eight or it might have been later, possibly as late as nine. I am sure that Chesley did not leave the house that night. I am sure that he could not pass through my room without me knowing it. The next morning, which would be the 30th of April, he came down stairs about five o'clock, made a fire in my room, then in the kitchen and went to the barn to feed ; he came back to breakfast a little after six and we all ate breakfast together. I did not notice any hurts or scars on his hands or face ; before that time he had had a very bad boil on his face, which left a bluish looking scar in front of his ear. I don't remember the day he was at Smithville, but he was there the week of the robbery. I think he went one afternoon and returned the same evening. I never had my attention called to that until called to testify, so I don't remember. No, I don't know where he was the week after the robbery. I am not sure about where he was the Saturday after the robbery, but I think he was at town here. He was at Bloomington on the

15th of May, that was the day he was arrested. As soon as he was arrested, I commenced thinking where he was on the night of the robbery. I did want to swear for him if I could truthfully. I wanted to help him if I could. I liked him ; he always treated me well."

William Chambers : "I am a brother of the defendant and younger than him ; am 28 years old. On the night of the 29th of last April my brother, Chesley, was at home. On that day he was riving boards and I was plowing for corn. We were in sight of one another. He quit work that evening about 4 o'clock. Let's see, Mr. Turner saw him at work that day ; he'll tell you he did.

"The 29th of April was on Wednesday ; it rained next day, I think. I did not work that day. I don't work if I can help it. I know when Chesley was arrested ; it was about two weeks after the robbery. After he was arrested we all had a talk about Chesley. I then remembered where he was on the night of the robbery ; knew that he was at home. When we had eat supper on that night we all sat around the fire in Mrs. Chambers' room. We always stay in there till bed time. We went to bed about 9 ; looked at the clock ; it was just 9. My brother, Allen, slept with me, and the boy, Lijah, with Chess.

" We boys slept upstairs in the same room, the rest of the family downstairs.

" We took off our shoes in my step-mother's room. Chesley always got up first. I slept till breakfast; till they called me. On that night we talked about some stalks and down timber. All talked. My father said it was late in the year and he wanted me to help the boys. I didn't want to work, but they kept at me, and I agreed to do it. I think Chess read the papers some that night. We all went to bed about the same time; us boys went upstairs together. He could not have gone out of the house without me knowing it. I first heard of the robbery on Friday; Turners told me. No, I don't remember where I was on Monday after the robbery; never thought about that. I don't know how much money my brother then had or what he owed. I don't keep his books. Don't ask him about his trades. I tend to my own business. He had some money about him. He can tell you how much he had. Yes, he was trading a right smart, and I suppose he had money. I was not in town on the day and night of the robbery. I had been here the first part of court. Was here then watching and listening to the lawyers. I intend to practice law myself, and wanted to get posted.

" I have been here since the robbery several times. Was here the first two days of this

court. I never got off of a train here and said to any one that I must hurry home and had to walk, and that I would have got off at Harrodsburg only this place was nearer home. Never said this to Joe Allen. I don't remember to have ever seen Joe Allen in a restaurant. Had a talk with Joe about this, and he said he thought it was me that he had a talk with the night before the robbery and I told him it wasn't me, it must have been somebody else. A day or two after Chesley's arrest, I think it was Monday, I started to go to my brother's who lives in Brown county. I had been very much troubled about Chesley's arrest, had not slept much and this caused me to have some spells. I guess I lost my senses for I thought I could hear dogs barking and bells ringing in the air. This only lasted a day or two, and I got all right again. Of course this had nothing to do with the robbery, and was brought on by my brother's trouble. I never had it before and hope I never will again. I can not remember all I said and did during that time, but I can remember things that happened before and afterwards distinctly. It was only for a day or two that my memory was gone. I might have said I could see dogs flying in the air, for I thought then I could, and you know strange things do happen in this world, and I might have actually seen them."

Allen Chambers: "I am the twin brother of the defendant and live with him at our father's house. I know Chesley was at breakfast the morning after the robbery. I think it was before that, but it might have been that morning, that I saw the scar on his face; think it must have come from the boil that I had noticed on his face before this time. I heard of the robbery the last of the week after it was committed, but can not remember the day of the week. I heard of Chesley's arrest on the day it occurred. As soon as I heard of his arrest I commenced studying to see if I knew where he was on that day. At first I could not get the date fixed, but after studying over the work we had done, where we had plowed and planted corn, and talking it over with the rest, I knew Chesley was making boards that day, and that he had stayed at home that night. Bill and me were both plowing that day, but in different fields. We quit work about the usual time, did up the work, eat supper and went to bed at the usual time. I don't remember what Chesley was doing on Monday and Tuesday before the robbery. I think he was at home, but can't say positively; on Thursday he worked for Chap May. I don't remember where he was on Friday and Saturday, but think he came to town one of these days. Some time before the robbery he had been away for a day or two, but I don't know just when; it might have

been a week or two weeks before. Since I have thought about it I think Chesley went to Smithville on Tuesday before the robbery, and came back from there the same day. He did not stay away from home that night. I am sure he went there one of those days and that he came back the same evening. We, that is all our family, which includes Chess, talked about the crime and what we could swear to. I suppose we have talked about it every day since he was arrested. When at home we hardly ever talked of anything else."

This was the last witness for the day, and the court adjourned to meet at the usual hour next morning.

Long before the meeting of court next morning, the large crowd assembled in and around the court-room gave evidence of the continued interest in the case.

Court was promptly opened at the time fixed and the evidence of the defense continued.

CHAPTER XII.

Elijah Robinson: "I am fourteen years old and live with the defendant's father. Have been living there a good while, and I have always slept with Chess. We sleep up stairs. I know when they said the train was robbed but don't know the dates. I don't know who first told me about it. I remember the day Chess made boards and know he stayed at home that night. We slept together that night and went to bed about the time we did other nights. We all pulled off our coats and shoes and left them in grandma's room. We went up stairs together and Chess and me slept in the same bed. We had to pass through her room in getting out of doors. That was the only way to get out. I testified before Henry Dillman. I suppose it was a court of some kind, but I don't know. After they took us there they asked me questions and I answered them as well as I could. I did not say there that Chesley was not at home the night of the robbery, for he was at home that night. I was scared that day and don't know what I did say, but I tried to tell the truth; but they asked me

so many questions that I got bothered. I did not say they told me at home what to say. I told them the bruise on Chesley's face was caused by his falling on some brush. He got the hurt on Thursday morning after the robbery. I know it was done that day because I saw the hurt that morning. I don't remember when he was away, about that time; it may have been a week or more. He would go away sometimes and stay a day or two."

Homer Chambers: "I am a cousin of the defendant, and live about five miles from his father's house. On the 16th of last April I let him have \$225.00, loaned it to him. I took his note for it and have the note yet. In December, 1884, the defendant and I shipped some hogs to Cincinnati. I owned some of the hogs and the rest were his. From this shipment he got about \$500.00. He had the check cashed in Mitchell. I was not with him when he received the check in Cincinnati and don't know the exact amount. We came home together." Here the witness produced the note given him by the defendant. "This note was not given me since his arrest; it was before; it was given to me in April at the time when he got the money from me. I had the money on hands; had kept it by me since last December. I kept it at home. I got money from my father's estate." The witness was here shown a tax list which he

admitted was made out and sworn to by him. It was endorsed "No money on hand." "I swore to that list last April, and I had the money then. I did not give it in to the assessor. I don't know why I did not give it in; suppose others do the same. No, I don't know of any others, but I have not looked to see; I was only guessing when I said others did the same. It may have been that this money was not taxable; anyway I let him have the money, and took his note for it, and it has not been paid back; he owes me that money now. I have never asked him for it."

Hezekiah Chambers: "I am the father of the defendant and have lived in the county many years. Have lived where I now live for thirty years. I am seventy-two years old. I first learned of the express robbery on the Friday after the crime was committed, and heard of Chesley's arrest the same evening it occurred. We had heard that Chesley was arrested before he came home that evening. When he did come we talked the matter over, as to where he was the day of the robbery and what he was doing. Yes, we talked a long time and it was probably midnight before we went to bed. When I say we, I mean all the family. It had only been about two weeks since the robbery, and we all remembered, after thinking a while, that on that day, Wednesday, he made the boards. We could fix the time by the work we had done that week

and by the corn that we planted. No, I could not think back three or four months and tell what he had done on a certain day, unless my attention was called to it in a short time afterwards, and in this case, two weeks afterwards, my mind was called to the day and night of the robbery in such a way as to almost compel me to remember where Chesley was on that day. He was in danger, perhaps of his life. He had been arrested, accused of committing this terrible crime. I never for a moment believed him guilty, but to save our boy we must know where he was on that day and night, and we were all glad when we found to a certainty that on that day he made boards and was not away from home that day or night. Not only glad that we can give evidence for him, but that no shadow of suspicion can ever arise in any of our minds as to his innocence. I can not remember what he did the day before, but think he was away in the afternoon. We planted a small patch of corn on Tuesday afternoon but he did not help us; but I distinctly remember of his being there next morning and starting to make the boards. On the day after the robbery he worked at home before dinner, and after noon he helped Chap May plant corn. Yes, I have thought and we have talked about this a great number of times at home, but I have a distinct recollection

of what I am telling you without reference to the talk.

"I eat dinner and supper with him on Wednesday, and after supper we were all together in the sitting room. This room is usually called my wife's room, and we all talked and probably the boys read some, they usually did of a night, and about nine o'clock the boys went to bed. We had a regular hour for bed. They pulled off their shoes and coats and left them in our room ; they always did this. We stayed up some time after they went to bed. The next morning Chesley got up, made a fire, did the feeding and came in to breakfast. There was no scar or hurt on his face at breakfast. Afterward we went out to work in the new ground or clearing, and while we were working there, while carrying some brush, I saw him stumble and fall. Afterward I saw that his hands and face were hurt, and he said he hurt himself when he fell. I did not pay much attention to the hurt, as it seemed to be a mere scratch, but plain enough to be noticed ; and if it had been there at breakfast, I am sure that I should have seen it, and besides from the appearance I could see that it was fresh and had just been done ; it was bleeding a little when I noticed it. I have studied about this night and day since his arrest, have hardly thought of anything else. I would do almost anything for my boy."

Mrs. Dearman: "I am a sister of the defendant and the wife of Monroe Dearman. I was at my father's house during last April and May. The 29th of April was on Wednesday. I remember that because my brother was arrested two weeks after that, charged with committing a terrible crime on that day. And as soon as he was arrested I commenced studying about where Chess was on that day. My brother was at home on Wednesday, or at least he was there at meal times, and they said he was making boards. He was there at breakfast next morning (Thursday). I did not notice any hurts on his hands or face that morning. He went to bed on Wednesday night about the usual time. He slept upstairs with the Robinson boy. There had been a boil on his face, but I don't know whether it left a scar or not. Don't remember to have noticed any. I do not recollect what happened on any other day or night; have not tried to remember what happened at any other time. My husband was not at my father's at the time the robbery occurred; he was away at work. It seems to me that the boys went fishing on Tuesday night, the 28th of April. I feel pretty sure they did. I am certain that he was at home on the night of the robbery."

Lon D. Rogers: "I was on the train the night of the robbery; that is, I got on at Bloomington, after leaving here. The first

stop we made was at Gosport. I feel sure we did not stop at Stinesville that night. Mr. Fulk also got on the train at Bloomington."

Dr. Chesley D. McLaughlan: "I saw John Crafton about two weeks after the robbery and had a talk with him. He said he knew the Chambers boys, and had known them sometime, but did not know them apart; that he did not think he would know Chesley if he was to see him. He said he would not know one brother from the other."

John R. East: "I was present when the measurement of the boot or shoe tracks was compared; it was compared with my boot. I had on a number nine, and the measurement extended about three-fourths of an inch beyond my toe. The measurement was applied to the outside of my boot. The inside measurement would have been some shorter."

Chesley Chambers: "I am the defendant in this case. I am 30 years old and live with my father and his family in this county, and was living there at the time this robbery was committed. For several years I have been buying, selling and shipping stock; cattle, sheep and hogs. I shipped nearly all the time to Cincinnati. Last April, and before that time, a large part of my time was occupied by that business. When I had the time I helped my father work on the farm. I received no pay for the work that

I did, and did not pay for my board. I remember when the little boy, who lives at Chap May's, came to our house and said that they wanted some one to help plant corn that afternoon. This was Thursday morning of the 30th of April. Am not sure, but think it was before we eat breakfast that the boy came. I told him that one of us would go there at noon. The other boys were busy and I went to May's myself and helped him plant corn in the afternoon. When I went to help Mr. May plant corn that afternoon I did not know that there had been a robbery committed. It was the next day after this, on Friday, that I first heard of the robbery. On Wednesday, the 29th of April, I was working for my father riving boards, and was at home all of Wednesday night. I was not on a railroad train, and did not see a train on the 29th of April during the day or night. I had nothing to do with the robbery ; had no hand in it, and no knowledge of it.

"On Thursday morning before I went to May's, I was working in the new ground, with my father, piling brush. I was in the field south-east of the house. While carrying a load of brush to the heap my foot caught and I fell on the brush and hurt my face and one hand. I told my father a few minutes afterwards that I had hurt my face. I don't think I said anything to him about skinning my hand. It was not

much of a hurt. A little of the skin knocked off. Both of the hurts bled a little, but not much. They were not bad hurts, and I did not afterwards pay much attention to them. They were well in a few days. I have lived at home with my father nearly all my life. Was away at one time for eighteen months. Went first to Kansas and stayed during the winter with my cousin, Silas Chambers. In the spring I went to Colorado and stayed balance of the time. While out there I was railroading for five or six months. I did not like this and I came home, and have been in the stock business ever since. I have not railroaded since I came home. I never worked on the Vandalia road at any time. Have been in the stock business about eight years; all of the time in this county. On Friday after the night of the robbery I came with Henry Buskirk to town, and when I got to town I heard of the robbery. This was the first that I knew of it. I don't now remember who first spoke to me about it. I returned home with Mr. Buskirk. I was arrested on the 15th of May. I had been subpoenaed as a witness in the Wright case, and came to town on the 15th of May in answer to that summons.

"I was informed by Mr. Smith that Col. Friedly wished to see me at the National hotel and I immediately went there; this was about one o'clock; when I reached there several per-

sons were in the room. I did not notice them very closely. I think Mr. Webber was there; at that time I did not know him, but since he has been pointed out to me, and in thinking over the matter, I think he was there, but if so he did not speak while I was in the room. I knew Mr. Friedly; after asking me several questions about Mr. Wright, he said to me: 'That is all I want with you now, but you must be at the court-house when the Wright case is called.' I then left the hotel, and as I saw the crowd gathering at the court-house, I went there and found the court room nearly full of people. I took a seat on one of the benches, and had been there perhaps half an hour, when I was arrested by Mr. Smith, charged with this terrible crime; this was the first time that I had the faintest idea that I was suspected. I never thought of such a thing before. I was surprised and shocked by my arrest. I may have turned pale, suppose I did; the shock was terrible, coming on me as it did without warning. I hardly remember what I did for a few minutes, only that I told them that I was not guilty, and that soon after they said I would have to give a large bond or go to jail. I thought then I would rather die than go to jail. I did not have to go to jail. My uncle Chesley Woodward and others came to my aid, and signed my bond and set me free. I was again arrested on the following

Sunday, was arrested while at church, gave bond the next day and was released. Both arrests were for the robbery, I think. I remember seeing Mr. Turner on Tuesday, the 28th of April. I had some talk with him, and on the next day I saw Bud Turner several times; I could see him from where I was making boards; after I quit making boards that day, I went to the house and rested until supper. After supper we all went in Mrs. Chambers' room and sat around the fire and talked, and probably I read some; it was near nine o'clock when we went to bed. I left my shoes and coat in that room and I went up stairs to bed with the other boys; we all went up stairs at the same time. I slept with the boy Robinson, and Bill and Allen together. My room was directly over Mrs. Chambers' room, and I could not get out of the house without passing through her room.

"I did not leave my room that night, until I came down about five o'clock and made the fires. After this I went out and did the feeding, while they were getting breakfast, and after breakfast went to work. Sometime between the 15th and 20th of April, I was at Mitchell. I was on my road home from Cincinnati; I think I saw Mr. Shanks at this time. I nearly always met Mr. Shanks when at Mitchell, and I was at Mitchell very often, as I had to stop there when going and returning from Cincinnati. I was at

Mitchell the week before the robbery, and I expect that I met Mr. Shanks and Mr. Rhorer then. I shipped nearly all the stock that I bought to Cincinnati; shipped it to Green, Huddleson & Co. Have done a large amount of business with this firm. Sometimes when buying a large amount of stock I would not have sufficient money; I drew on this firm for money. Have done this several times. Have borrowed money from individuals and the bank here several times; always gave a note with security. I was authorized to sign my father's and also my uncle Chesley Woodward's names to the notes. I have done this several times. This made a good note. Sometimes I had a good deal of money, at others very little. I don't remember just how much I had on hand at the date of the robbery. My father, since I was arrested, has mortgaged his farm. This mortgage was made to get sufficient money for my trial."

This closed the evidence for the defense.

Some immaterial matters were introduced in rebuttal, but of not sufficient interest to be detailed here.

The foregoing is substantially the evidence as detailed by the witnesses. The testimony of a few witnesses are left out, as the matters stated by them were not material.

It now only required the arguments of coun-

sel and instructions of the court, before it would be finally submitted to the jury for their decision.

On account of the importance of the case, the court said that he would permit three arguments on each side and would not limit them as to time.

If we had sufficient space we would be glad to produce the arguments of counsel, and especially of Col. Friedly and Senator Brown, but as we can't do this we can only say, that it's not often a jury is permitted to hear two such orators in the trial of any one case.

The old court-house in Bloomington has given room for many brilliant orators, and its walls have rung again and again with their wonderful eloquence.

Indiana's most gifted sons have not been strangers there, but some of the grandest speeches of their lives have been delivered within its walls. Here the voice of Voorhees, America's orator, has many times rung in Clarion tones. Here, also, the mighty eloquence of Hughes had often been heard ; the fiery orator Hestor had in times past been no stranger ; the beautiful sentences of Dunn were not forgotten ; here, too, the rapid and easy flow of words of Dunning were remembered and treasured in the hearts of the people, and here, also, the favorite gifted and well-beloved Hendricks had sent forth the grand ideas of a large and noble mind.

A host of others could be named who, in times past, had held audiences and jurors spell-bound by their mighty and irresistible eloquence in this old court room, but it's doubtful whether any of these grand and gifted men ever swayed and interested an audience more than did these two men.

Senator Brown made the closing argument for the defense, speaking four hours, and during the whole time the people within hearing lost not a single word. His rounded sentences and flights of eloquence were wonderful, while it was manifest that every scrap of evidence in favor of the defendant was being reviewed and impressed upon the minds of the jury; and it was remarked, when he concluded his argument and took his seat, that he had made the master effort of his life.

Shortly after, the tall and commanding form of Col. Friedly arose to make the final speech.

It could at once be seen that he was more than usually affected, and felt the force of the arguments which had been made for the defense.

Col. Friedly, at all times, was a winning and sympathetic speaker, and in this case he was more than usually captivating, and, with his ready flow of language, he was eloquent from the very first sentence which he uttered; and in closing his argument he pictured the life of Davis as it was before the date of the crime—his hopes, his aspira-

tions, his ambition and all the beautiful expectations of youth; then depicted the crime, its object, its cruelty, and its terrible results.

Then in graphic language he detailed the life Davis would lead from now on.

Stricken of his reason in his early manhood, and in that respect as helpless as a child, his hopes, his energies, his ambition, his intellect—everything that makes life dear was in one moment destroyed.

The speaker's sympathy was so aroused, and his eloquent picture of Davis and his sufferings so real, that when he closed his argument there was scarcely a dry eye in the court room.

At the close of Friedly's argument the court read his instructions to the jury, and as they give a clear exposition of the law bearing on this case, we here reproduce them.

CHAPTER XIII.

INSTRUCTIONS OF THE COURT.

First. The indictment in this case charges that the defendant, in the county of Monroe and state of Indiana, on or about the 29th of April, 1885, did then and there, in a rude, insolent and angry manner, unlawfully and feloniously, purposely and with premeditated malice, touch, strike and wound one Peter Webber, by then and there shooting at, towards and against the said Peter Webber with a certain pistol commonly called a revolver, and there loaded with gun-powder and leaden ball, which he, the said Chesley Chambers, then and there had and held with intent then and there, and thereby, him, the said Peter Webber, feloniously, purposely and with premeditated malice to kill and murder.

The charge, first, is that the defendant was guilty of an assault and battery upon Peter Webber; second, it charges defendant with having committed said assault and battery with intent to feloniously, purposely and with premeditated malice kill and murder Peter Webber.

The statute defines an assault and battery to be: Whoever in a rude, insolent, or angry manner unlawfully touches another is guilty of assault and battery, and, upon conviction thereof, shall be fined not more than \$1,000, to which may be added imprisonment in the county jail not to exceed six months. The statute defines a felonious assault and battery to be: Whoever perpetrates an assault or an assault and battery upon any human being with intent to commit a felony shall, upon conviction theréof, be im-prisoned in the state's prison not more than fourteen years nor less than two, and be fined not exceeding \$2,000. The particular felony charged is assault and battery with intent to commit murder in the first degree.

The statute defines murder in the first degree to be, whoever purposely and with premeditated malice, or in the perpetration of an attempt to perpetrate any rape, arson, robbery or burglary, or by administering poison, or causing the same to be done, kills any human being, is guilty of murder in the first degree.

Murder in the second degree is defined by statute to be, whoever purposely and maliciously, but without premeditation, kills any human being, is guilty of murder in the second degree.

Manslaughter is defined by statute to be, who-ever unlawfully kills any human being without malice express or implied, either voluntarily upon

a sudden heat or involuntarily, but in the commission of some unlawful act, is guilty of manslaughter.

Second. To this indictment the defendant, being arraigned, has pleaded that he is not guilty. When a defendant to a criminal charge pleads that he is not guilty, he is presumed to be innocent, and the presumption of innocence continues with the defendant until the state has overcome such presumption by evidence of defendant's guilt until there no longer remains a reasonable doubt of his guilt. If, after you have heard and considered all of the evidence in the case, you find there is a reasonable doubt of defendant's guilt, or of the existence of any of the material averments of the indictment, the defendant is entitled to acquittal. This does not mean every fact sought to be proved, but all the material facts.

Third. A reasonable doubt is such a doubt as would induce an ordinary prudent man to act or to refrain from acting in his own grave and important affairs, where he is free to act or not to act. The defendant is presumed to be innocent until the state has overcome such presumption of innocence by evidence given in the case, until there no longer remains any reasonable doubt, as is here defined.

Fourth. By the term evidence is meant all the means by which any matter of fact, the truth

of which is the subject of inquiry, is established or disproved. Two kinds of evidence are recognized, to wit: direct and indirect, or circumstantial, and either may be satisfactory in itself or serve to illustrate or confirm the other.

Fifth. In criminal investigation it is proper for the jury to take into consideration all the facts and circumstances given in evidence of the crime, and also the acts, surroundings, relations, positions and conduct of the defendant charged with its commission as shown by the evidence.

Sixth. The defendant's defense of an alibi is a legitimate defense, and if the evidence touching it is sufficient to raise a reasonable doubt of the defendant's guilt in your minds, it should be considered by you, and is sufficient to acquit the defendant, although the alibi did not cover the whole time during which the crime was committed.

Seventh. If you believe, from all the evidence in this case, that the defendant was at his home at the time testified to by his witnesses, and if you also believe from such evidence that it was improbable for him to have been there at that time and also to have been present at the time and place of the crime charged in the indictment herein, his defense of alibi is for your consideration. Such improbability need not, in such case, be so great as to amount to impossibility. If you believe the defendant was at his home at the time

indicated by his witnesses, and if the improbability of his being there at that time and also of his being present at the time and place of the crime charged in the indictment herein, and is sufficient to raise a reasonable doubt in your minds of his guilt, taking all the evidence together, he is entitled to the benefit of that doubt, and you should find him not guilty.

Eighth. Evidence of an alibi should not be regarded as suspicious, as a rule of law, any more than any other defense.

Suspicious evidence is a fact for the jury to consider, not a rule of law applicable in all cases to a defense of alibi. Such a defense may be supported by unsuspicious evidence and as honestly made as any other, and is often the only shield of innocence, and whatever defense a defendant may lawfully make should not be subject to any suspicion, unless the evidence in the case warrants it.

The credibility of witnesses must in all cases be left to the jury, whatever may be the subject about which they testify. Suspicion, fraud or falsehood are never presumed. They must be shown by the evidence.

Ninth. The state has introduced some evidence going to the question as to whether certain notes were signed by one Chesley Woodward, or whether the said Woodward authorized his name to be signed to said notes. It is not

necessary for a man to actually put his name to a note in order to be bound on the note. It is just as much the signing of a note when a person authorizes another to sign for him as if he actually signs it himself.

Tenth. The crime of forgery is defined to be that every person who shall falsely alter, forge, or counterfeit, print or photograph, or cause to be falsely made, defaced, destroyed, altered, forged, counterfeited, printed or photographed, any bank bill or note, check, bill of exchange, or any acceptance or endorsement of any bill of exchange, or promissory note, knowing the same to be false, altered, forged or counterfeited, with intent to defraud any person, body politic or corporate, shall be deemed guilty of forgery, and in order to make out the crime of forgery it would be necessary to prove that there was an intention to defraud some one. This fact would be material in a case of forgery.

Eleventh. The defendant in this case is not on trial for the crime of forgery, but on another and distinct offense; but before you can consider any evidence in regard to the signing of the notes in question by Woodward as bearing on this case on trial, you must be satisfied in your own minds from the evidence, beyond a reasonable doubt, that the defendant was guilty of forgery, and if you do not find from the evidence in this case that the defendant was guilty, beyond a

reasonable doubt, you will not consider any evidence in reference to the charge of forgery against the defendant in this case, or allow that evidence, if there was any, to influence your verdict one way or the other.

Twelfth. The testimony offered by the state for the purpose claimed of showing that the defendant had forged his uncle Chesley Woodward's name to certain notes was admitted solely for the purpose of tending to establish the existence of a motive for the commission of the crime charged in the indictment, and the evidence on this point should be considered by you solely on the question of motive, for the law is well settled that where a person is charged with the commission of a crime, proof of the commission of another crime can not be heard, and before you can consider evidence of the commission of the forgeries claimed to have been committed by the defendant, as bearing upon the question of motive, you must be satisfied beyond a reasonable doubt that the defendant had committed the crime of forgery as claimed by the state.

Thirteenth. If you should be satisfied by the evidence, beyond a reasonable doubt, that the defendant had forged his uncle's name to a note or notes, still that fact would not warrant a conviction of the defendant of the crime of assault and battery with intent to commit

murder on Peter Webber, as charged in the indictment; and if you should be convinced that the defendant did so commit forgeries, you should acquit the defendant if upon the whole evidence in the case you have a reasonable doubt as to the guilt of the defendant of the crime upon which he is on trial, namely: assault and battery with intent to kill and murder Peter Webber.

Fourteenth. It might be concluded by persons not conversant with judicial proceedings, that personal identification is seldom attended with serious difficulty, but such is not the case. Illustrations are numerous to show that what are supposed to be the clearest intimations of the senses are some times fallacious and deceptive. Hence in a case where the identification of a person is disputed, it is the duty of the jury to carefully look at all the circumstances and surroundings in which the witnesses are placed at the time they identified the prisoner. Whether they were, or were not, acquainted with the prisoner; what the state of their minds was at the time they say they identified the prisoner; whether they were in a condition of fright, or otherwise; what their opportunities of seeing and hearing at the time were; and any other fact or circumstance occurring at the time and connected with the circumstances in which the

witness and the prisoner were placed at the time the witnesses say they identified the prisoner.

Fifteenth. Evidence has been offered by the defendant in reference to his previous good character. This evidence should be considered by you as tending to establish a defense. Evidence in a criminal case, when offered by a defendant, as to good character of the defendant, must always be considered by the jury in determining the guilt or innocence of the accused. It must be taken into consideration in all criminal cases when offered, not merely doubtful ones.

Good character may sometimes turn the scale in defendant's favor, and is always to be considered with all the other evidence given in the case.

Sixteenth. If you find from the evidence in this case that the defendant, prior to the time of the alleged crime, had always borne a good character for honesty, peace and integrity among his acquaintances and in the neighborhood where he lived, then this is a fact proper to be considered by you with all the other evidence in the case, in determining the question whether the witnesses who have testified to facts tending to criminate him have been mistaken or testified falsely or truthfully; and you should carefully consider the evidence given in the cause, including that bearing upon his previous good character.

Seventeenth. Some testimony has been given

by the state tending to show that the defendant on certain occasions played cards. This testimony was admitted only because it was stated by the prosecution that it was preliminary to and connected with a statement or statements of the defendant that he had money. The witnesses having failed to state anything in reference to the statements about money, their evidence as to the other matter becomes immaterial; it was not incumbent on the defendant, and, indeed, it was not only unnecessary, but improper, for him to introduce any testimony to contradict such statements, and you will not consider any testimony in regard to defendant's having played cards, but will wholly disregard the same.

Eighteenth. In this case the defendant has testified in his own behalf, and you should not determine the facts and circumstances in the case without taking into consideration the defendant's testimony. You should take into consideration the testimony of the defendant for what you think it to be worth in connection with all the other evidence in the case, in determining what the facts and circumstances of the case are. In determining what weight should be attached to the testimony of the defendant you may take into consideration the fact that he is such defendant, and to what extent, if any, this fact should detract from the credibility otherwise due to his testimony. It is for you to determine. In

other respects the testimony of the defendant is to be judged of the same as any other witness in the case.

Nineteenth. In this case, as we have seen, the defendant is charged with an assault and battery with intent to commit a felony, and the particular felony which it is charged defendant intended to commit was the killing and murdering of Peter Webber. If you find that the defendant did commit the assault and battery as charged and with the intent charged, then you would have to convict of the whole whether you would have found the defendant guilty of murder in the first degree or murder in the second degree, or of manslaughter, had he killed said Peter Webber. He would be equally guilty of assault and battery with intent to commit a felony, and the particular felony charged, for murder in the second degree and manslaughter is a part of and included in the charge of murder in the first degree, whether the killing intended, had it resulted, been murder in the second degree or manslaughter.

Twentieth. The first inquiry which you will be required to make will be, did the defendant, at the time and place charged, commit the assault and battery on Peter Webber as charged in the indictment, remembering the definition of an assault and battery as here defined. If you find the defendant guilty of the assault and battery

charged, the next inquiry you will be required to make is, did the defendant make the assault and battery with the felonious intent to kill and murder Peter Webber, as charged in the indictment, and this question, like all others, you must determine from the evidence given in the case.

Twenty-first. After you have examined the first branch of this charge, and if you should determine that the state has shown beyond a reasonable doubt that the defendant committed the assault and battery as charged, then you must determine whether said assault and battery was so committed with the felonious intent to kill and murder Peter Webber. You must determine the question of intent from the acts and declarations of the defendant at the time, or from admissions, if any such has been shown, and from all of the evidence given in the cause. The law is that a man is presumed to intend the usual and ordinary consequences of his act, and the intent is often determined by the motive of the act itself and the kind of instrument with which it is committed. A man who discharges a loaded pistol at the person of another near by in such a manner as is likely to produce death, the law infers that the act done is done with intent to kill, for that would be the usual and ordinary consequences of such act. So in this case you must determine what the intent, if any, from all the evidence and circumstances in the case.

Twenty-second. The law has made you the exclusive judges of the law of this case and of the facts proved. This does not mean that you can convict or acquit upon your own whim or caprice, but that you are to examine the whole case, and, according to law and evidence, as you may find the same to be, you should either acquit or convict.

Twenty-third. The duty devolving upon you, jurors, in a case like this, may not be a pleasant one, but it is an imperative one, to the discharge of which duty you should bring your very best and most conscientious purpose, for in your keeping are the established forms of the law confided, the most sacred rights and interests of the defendant on the one hand, the peace and security of society on the other. As jurors it is your sworn duty to render a decision upon the issues submitted to you, if the evidence, earnestly considered, shall enable you so to do. Regarding the evidence and the law, and nothing else, you are to determine the innocence or guilt of the defendant. No outside clamor or individual sympathy should swerve you in the discharge of so high and important a duty. If you find the defendant guilty of assault and battery with intent to kill, as charged, the punishment is imprisonment in the state's prison for not less than two years and not more than fourteen years, and a fine of not more than two thousand dollars. If you find the defendant

guilty of assault and battery only, the punishment is a fine of not more than one thousand dollars, to which may be added imprisonment in the county jail not to exceed six months.

Forms of verdicts are prepared and will be furnished you through your bailiff.

R. W. MIERS, Judge.

Immediately after the reading of the instructions, a bailiff was sworn, who led the jury to their room, where they were left to deliberate upon the case and to report to the court if they should agree upon a verdict.

Before a verdict can be made each and every jurymen must agree to it.

The jury after being out two days and nights failed to agree, and on being brought before the court they said they could not come to any conclusion, and it would be impossible for them to make a verdict.

From the statements of the jury the court was satisfied that this jury would not be able to arrive at any agreement, and that it would not be of any use to hold them together longer, and they were then discharged.

After they were released it was learned that the jury were equally divided, six for conviction and six for acquittal.

So ended the first trial of this celebrated case.

The defendant renewed his bond and the case stood for trial again at the next term of court.

Every one regretted that the jury could not agree, but nothing could be done except to try the case over again.

At the next term of the Monroe Circuit Court the case was again tried, Judge Bicknell of New Albany, Ind., sitting as the court.

The counsel in the second trial were the same as the first, and no material difference in the evidence.

The case was hotly contested on both sides, and after a lengthy trial the jury were sent out to deliberate.

After being together for twenty-four hours they returned into court a verdict of guilty, and fixed Chesley Chambers' punishment at two years in the penitentiary.

This was evidently a compromise verdict, and we need not say a very unsatisfactory one. If guilty, the punishment was not sufficient, and if innocent he should have been acquitted. But this was the verdict, and while the defendant's counsel made a motion for a new trial they were not very anxious for the court to grant the motion, as this light sentence was perhaps as well for their client as the chances of another trial.

The motion for a new trial was overruled and Chesley Chambers was sentenced to serve two years in the penitentiary.

After he was sentenced he was taken to the jail, where he was visited by a large number of

his friends and relatives, who expressed their belief in his innocence and bid him good-by.

The parting between him and his relatives was very affecting, and this was especially true with his father, whose age made it very doubtful whether they would ever meet again. The tears were streaming from the old man's eyes as he bade good-by to Ches, his favorite son.

A large crowd was at the depot when he was taken away. Very little was said by any one in the few minutes that elapsed before the train arrived. A grasp of the hand was about all there was time for, to the many people who crowded around him before the train sped away bearing him to his prison home.

While in prison he worked at the carpenter's trade, and by good behavior he shortened his time, being released at the end of twenty-one months.

When released there were some indictments still pending against him, but, as they were in reference to matters growing out of this same transaction, they were afterwards dismissed.

Once more Chesley Chambers was a free man, but without a dollar in the world. Besides, the expense of the trial had ruined his father financially, and not only that, but it had destroyed his health, and he died a few months after Chesley's release.

Not having money to engage in his former

business, he went to work near his old home at the carpenter's trade, and that to-day is his occupation.

In the year 1889 he was married to one of the fair women of Monroe county.

We are informed that she is a lady in the truest sense of the word, and that Chesley has secured a prize in the lottery of life.

There is nothing else of interest to the reader in reference to Chesley Chambers, only that he has lived since he received his liberty and is now living a quiet and industrious life, and doubtless this will continue to the end. So, whether he is innocent or guilty, the Monon robbery changed his whole life.

So we leave him in his quiet country home, with his old neighbors and friends.

CHAPTER XIV.

Some three years after the ending of the great Chambers trial, a solitary horseman was wending his way slowly across the great western prairie; his horse was jaded and worn, and gave evidence of having been ridden hard and for many miles.

His rider was almost in as bad condition, and seemed to be suffering great fatigue; he almost reeled in his saddle as he rode. The bridle rein was hanging loosely on the pommel of the saddle and the horse was allowed to take his own gait, and this was only changed when the rider on looking around discovered that the shades of evening were approaching and that soon a camping place for the night would have to be selected.

Checking his steed he gazed around the prairie and finally discovered a small clump of bushes or small trees and, knowing enough about the country as to believe that he would find water near, he rode toward the timber. He was not mistaken for on arriving at the grove and riding to the center of the trees he found a

small stream of running water; this was always a godsend to the weary traveler when crossing the great prairie.

The traveler lost no time in dismounting and making ready to encamp for the night; leading his horse to the stream, he allowed him to drink his fill; he then tethered his steed to the outer edge of the grove, where the grass was thick and abundant.

He then proceeded to cut down several of the smaller trees, making a pile of them in order to prepare a fire for the night; when he decided that the heap had reached sufficient dimensions, he commenced gathering the twigs and dry branches to ignite it. He had scarcely entered upon this part of the work when he was startled by the sound of horses' hoofs out on the prairie.

Whether this sound usually means danger, or not, to men who are encamped on the prairie, and where an unusual sound is always noted, this was sufficient to place him on his guard, and to cause him to investigate and learn who was coming before making himself known; and this was especially true where a man had not seen a human being for days; it is likely to make him feel a little weak in the knees, and to have a natural desire to know who it is before making himself conspicuous. This was true of our traveler, and it is not to be set down against him if he did

actually crouch down behind the bushes until he could get a nearer view of the parties.

In a moment, from his place of concealment, he was able to discover that the noise was occasioned by two horsemen who were riding directly for the little woods where he had made his encampment for the night. As they came nearer he sprang forth with a cry of recognition and hastened forward to meet them.

On discovering him, the men reined in their horses, but on seeing but one person, they rode up. Not waiting for them to dismount, the man who had first arrived, grasped one of the newcomer's hands and said :

"If this don't beat everything I ever saw in all my born days. Why, Old Ben, don't you know me? Old pard have you gone plumb blind, or what's the matter with you? Have you forgotten me?"

"Jim Nason, or I'm a sinner," one of the men said as they grasped hands. "If this don't take the cake," he continued. "Of all the men in the world that I thought of seeing, you are the last one. Where in the Sam Patch did you spring from, any how, Jim?"

"Well," answered the other, "I might ask you the same question. Who would have thought you would turn up in this wild west country, just at this time? but for all that, I'm real glad to see you."

It was in fact two of our old acquaintances, Ben Mercer and Jim Nason—two of the men who had met at New Albany, Ind., and who had helped to plan the celebrated Monon express robbery, who had met now on this vast prairie, and met solely by accident, which shows that strange events may happen in real life.

How they happened to meet here can only be explained by themselves, or, perchance, it might have been fate, if such a thing be.

The men had not changed much, looked a little older, and perhaps the "criminal" was more plainly written, but for all that they were easily recognized by a three or four-year-old acquaintance.

Their actions indicated that they were on good terms and were glad to have met again.

How long they had been apart and what their lives had been can only be gathered from their conversation.

"Ben, where in the world did you come from, anyway?" asked Nason. "Here I was thinking that nobody was within a hundred miles of me when I heard the sounds of your critters' feet. But I'm downright glad to see you, anyway!"

"You had better ask me where I've not been and I could about as soon tell you," Mercer answered. But wasn't you fixin' to camp here? If so, I guess we will jine you. What sez you,

man?" he asked of the person who had ridden up with him.

This gentleman had not spoken since they rode up except to greet Nason. He had quietly sat on his horse watching and listening to the other two. Now on being spoken to he said :

"I thank you for the invitation you have kindly given me to make my camp with you to-night, and I would be glad to stay, only I must make a few more miles yet to-day. Besides, by going a little further, I hope to be as lucky as you were and find one of my friends.

"In the morning, Mercer, if you and your friend will ride to the Beaver Springs, you will find me there, or if I should be delayed and you are there first, you may wait for me. So good day, gentlemen;" and without waiting for a word in reply, the man turned his horse around and rapidly rode away.

"Who's that there feller, Ben, who rides away without saying, 'by your leave.' For a little I'd call the gent to a halt in a way that he wouldn't like."

"You wouldn't want to stop him but once, I can tell you that, for the chances are that you'd have a hole in you about the minute after you tried it on. But he is all right, Jim, and you will like him when you know him better. Howsomever it's too long a story to tell while standing here. Then I am pretty tired and

hungry, I can tell you, and you look like you might be in the same fix. So I vote that we go into camp first thing we do."

"I'm agreeable," said Nason. "I was just gitten ready to do that very thing when you fellers rode up, and have got a pile of wood ready to light. What's more, I've got some of the real old stuff, so while I get the fire going you water your beast and take him over on that side of the bushes where you can find good feeden for him. Tie him up there close ter mine."

Mercer soon returned from attending to his horse, and found that Nason had a cheerful fire blazing with enough wood gathered up to last through the night.

From the way they made coffee and took the provisions from their saddle-bags it could at once be seen that, not only were they well prepared for camping out, but that they were at home to this kind of life.

Before eating supper, Nason produced a flask from his pocket, from which they both freely partook, after which they ate a hearty meal.

Putting away the victuals that were left, they filled and lit their pipes and reclining around the fire they were prepared for a comfortable as well as a long talk.

"Now then," said Mercer, "tell me all about yourself; how you happened to be way out here just at this time, for I must confess that you are

the last person that I expected to see here in this wilderness."

"I might say the same about you," replied Nason, "but I guess I'll find out the reason, when you are pleased to tell me."

"In order to let you know how I come to be here, it will mean for me to tell a long story to you, but I don't much care who spins his yarn first."

"Well, then you go ahead and tell me all about what you have been doing since I last saw you."

"If I remember rightly," said Nason, "it's been nigh on to three years since we parted in St. Louis that night. I didn't intend to leave you, but we were so hard pressed by the cops that we were bound to skip, and had no time to let you know, and if we had tried to we would have all been caught, sure, and our wings have been clipped. Cap and me made up our minds that the city was getting too hot for us and the quicker that we were away the better. So we managed to elude the officers and detectives and left St. Louis at once.

"We thought we had escaped them until we arrived at the outskirts of the city, when we discovered that we were followed; then by changing our course, and being favored by the darkness of the night, we succeeded in throwing them off our tracks, and then making for a small station, we were soon safely on board the cars, and with-

out interruption we reached Kansas City. This escape was only effected by the skill and readiness of our old captain, Charles Dock, for he it was who discovered that we were followed, changed our course and put the disguises on us before we reached the small station, which enabled us to arrive at Kansas City without being seen by anyone.

"After doing a little job that we got on to in St. Louis, we aimed to get with you again, but we came so nigh being run in that we had to skeedaddle right away. We knowed you could take care of yourself until we might run across you."

"But you wasn't very apt to run across me, when you'd gone without saying nothing to me as to where you'd be; but what were they after you two fellers for, it wer'n't for robbing that there train, was it?"

"No, of course not; it was for a little job we'd tried on in St. Louis and got mighty close to being caught right while doing it; so blamed close, as to git after us on the spot; but we escaped as I told you. I aimed to let you know where we was, but somehow didn't; one thing and another kept me from it, till I guessed you'd be gone away. To go on," continued Nason, "we stayed there a good while, spending good money without doing any good. Somehow or another we couldn't find anything that we could handle,

without taking too many chances; anyway we didn't get on to any job that we cared to tackle. So we loafed around there for several weeks spending our money, until the 'Cap' got restless, and I was a little tired myself. After we had been there some two or three months, Cap came to me one night and said that he had made up his mind to go to Texas, and asked me if I would go along. He didn't give me any reason for his going, only that some fellers was about ready to start there and had asked him to go along. I studied about it a few days and made up my mind that I would not go. A short time afterwards in company with three or four more fellers he left, and this was the last time I ever seen him.

"I suppose that you heard what happened to him down there?"

"No, I never did. I have never heard a word from you or him since we were together in St. Louis."

"Then you never heard about the Cap being wiped out down there?"

"Being wiped out. You don't mean that the Cap was killed; that he is dead, do you?"

"Yes; I am sorry to say it's true. He was killed about two years ago."

"Why, it's strange that I never heard a word about it. How did it happen; tell me all about it?"

"Well, I happened soon afterwards to run across a man who was there at the time and he told me all about it. It happened down at a place called Hard Head. Dock, and the fellers who were with him, had only got there that morning and was to stay there a few days waiting for one of their crowd who was to meet them there. You recollect that when 'Cap' was with us over in Indiana he didn't drink much, hardly at all, and that he was always going for us for our drinking. Well, somehow or other, after we done that job over there he got to drinking worse than anybody. I don't adzakly know why, but rather 'spect his girl went back on him. He always had a very devil of a temper, and afterwards, when drinking, it got worse, till even me, his best friend, couldn't stand it, and that's about the reason I didn't go with him to Texas."

"To go on, it seems that for a day or two before him and his pards reached the town, the cowboys had been having a picnic there, and were running the place. Having nothing specially to do Dock and the others spent most of the day in the saloons. Some time that night the cowboys took possession of the principal saloon, made the bar-keeper leave and put one of the cowboys behind the bar to dish out the stuff. They then passed a resolution that the drinks should be free, and that each person who came into the place after that would have to be bar-

keeper for a certain length of time. Everything went all right until 'Cap' happened to walk into this particular saloon, when they ordered him to get behind the bar and wait on them. He told them he wouldn't do it, and only a few words passed when him and them went to shootin'. When it was over it was found that Cap and one of the cowboys were stone dead, and one or two more hurt."

"So Cap went under way down there; and shot by a cowboy. It's strange that I'd never lernt it. When did you say it was?"

"Nigh onto two years ago."

"Two years ago! I was in Denver then, and ought to have heard it, but I didn't. Well, that was the last of Cap, and, with all his faults, he was as good a pard as a man ever tied to."

"That he was, and I was terribly cut up when I heard of it."

"Ah! he was one who had the head to plan and carry out a big job. Then, somehow or other, he could find out what we would get before the job was done."

"Yes; the only time he failed was on that train robbery. He thought that we would all get rich out of that there job."

"May be the woman fooled him on that. I always believed that she did."

"He always said it was her fault."

"Well," he continued after a short pause, "af-

ter he left I didn't know what to do ; they were all strangers to me that were there then. All the boys that I knew were gone, besides after hearing about 'Cap' I felt like doing better, and I believe I would if I had known anything to do. After a while I fell in with a 'cove' who persuaded me to go with him to Wichita, and with the money I had left from my share of the express robbery we set up a poker room there. You know I was never any good with the papers, neither was my pard. For a good while we both kept from playing, and while we run it this way we were all right and made some money, for Wichita was a great place for gambling. My pard was smart; had more sense in a day than I had in a week, and was always up to snuff, until one night a feller came to our rooms and said he was a stock dealer and had a ranch down in the territory and had just sold his herd, and would like to have a little fun before returning to his ranch. He said he'd never played much, and only wanted a kind of social game. Well, him and me talked a good while and he asked me if I and some other fellows would like a quiet game. I rather liked the feller, but I told him I didn't play. Arter a while I made him known to my partner. Well, he stayed on till the games were broke up, and only him, my partner and two others was there.

"He then said to me that as it was about

three or four o'clock in the morning, and he wanted to take the morning train for home, that we have a game or two. Finally, my partner said if I didn't care he'd play a game or two. I didn't think it would amount to much, so said go ahead. The four went to playing, and the first few hands my pard won, after that he lost nearly all the time. When we had lost, for it was mostly my money, about one hundred dollars, I said something about quitting and that he would miss his train. I suppose it was then about ten o'clock in the morning; he answered that the train was gone, and that we ought to get even. To cut the matter short the game went on till next morning. We had closed the doors all that day and night, only letting the man out and in who brought the food and drinks. No one, hardly, took the time to eat; finally, about daylight of the second morning my pard had lost every dollar we had, except fifty dollars I happened to have at my room. Well, my pard seemed all cut up over it, and I felt purty bad when I afterwards learned that the fellow was a regular sharper.

"I left Wichita after that, going down in Texas, and before my money was quite gone me and another feller managed to get a little money; how we got it don't matter. After that I got in the business of exchanging horses."

"Exchanging horses, what do you mean by that?"

"I mean if I have a horse, no matter where I get it, if I take him to a certain place, I get a small sum of money for him."

"Oh! I see, but isn't it risky?"

"It hasn't been until now, but a lot of fellows got after me this time and only the speed of my horse saved me; but the chase was given up three days ago."

"So tell me about yourself and how it's been with you."

After stirring up the fire, Mercer said:

"I've not much to tell you. Have had a good many ups and downs since we parted at St. Louis. Sometimes I've had money; more often been broke. Have even been arrested a few times, but always managed to pull through. Sometime I'll tell you all about it, but not to-night. Only this much to-night, that since then I've been nearly everywhere. Four nights ago I tried to do a little job and failed, and only saved being caught by stealing a horse and riding as if Satan was after me. I was going far enough to feel safe and then try and dispose of the horses. After that, if everything went well, to go to Denver for awhile; but I'm downright glad to meet you; but it's late; let's turn in."

After this they talked for some time, but as the talk was general and of no special interest

or bearing on this story, we do not repeat it here. Nothing of importance happened during the night, and early in the morning they proceeded on their journey.

CHAPTER XV.

The two men journeyed westward over the prairie, riding at a brisk pace for several hours, conversing now and then on different subjects until they came to a slight eminence, where they checked their steeds.

It was one of those bright, crisp mornings in early fall, when nature is seen in all its beauty. The few leaves that could be seen on some bushes, that here and there grow on the banks of some stream, were dead or dying, and a person might readily imagine that they represented life and death ; but, if so, the scene on which he gazes is so cheerful and bright that he feels that there must be an existence after death in our lives as well as in nature, and that we, too, like the leaves, will surely come again.

The kind of a day when a prairie country shows up in all its grandeur and beauty and impresses one with the evidence of an all wise Creator, and a person in viewing the vast extent of prairie, which extends as far as the eye can reach, can not but think how little and insignificant is man when compared to the scene spread

out before him, and here he realizes, perhaps for the first time, how it was that the red man believed that the happiest future existence that he could imagine, when he should pass from this life to the existence beyond the grave, was to awake and find himself in what he termed the "happy hunting grounds," where he would be governed by "Manitou" or the Great Spirit, who would lead him in a never-ending chase on a vast and a limitless country, which would last forever, and would only differ from the one they saw in this that it would be covered with all kinds of animal life, where he might hunt and fish for ages and ages, so long as time should last.

No person can view our great western prairie without being in some degree impressed with its immensity, and realize that what he sees can not be the work of chance, but that it is a part of the wonderful and divine work of an all wise Providence.

As the men stopped their horses and gazed around them they saw what appeared to be a limitless, rolling prairie, and they were impressed with the scene which was revealed to them, not so much with its beauty, but with the size of the country mapped out before them.

No one can gaze upon our great prairies without a feeling of wonder and awe, and this is especially true the first time it is seen. When the

mind realizes the wonderful creative power which has done all this he can not but feel that a grand and glorious country has been provided for the living and enjoyment of all mankind, and that this must have been the work of a divine being who has unlimited power. All this causes a person's thoughts to dwell upon the great hereafter, and influences him to aspire to a higher and better life.

These thoughts occur to all, modified to a certain extent, by the life he has led before this, and the condition of his heart and conscience.

Hardened in sin as these men were, they felt the influence of their surroundings. This will be readily observed by the conversation which follows; and this is especially true of Nason.

Even these men, ignorant as they were, knew that our lives are what we make them; that while we resolve and vow to lead a different and better life, if it happens that we have passed the meridian, the change is difficult to make; the habits of years are hard to break and destroy; and the chances are that we lose courage, falter and fail in our resolution, and gradually drift back into the old life of sin and folly.

Some such thoughts as these were passing through the mind of Nason, and he wondered if it would be possible for him, at his age, to lead a different and better life, and it was something

of this kind that caused him to turn to his companion and say:

"Ben, did you ever see anything like this afore?" pointing around to the large scope of country that was exposed to their view. "It's not often," he continued, "that I pay any attention to the country where I happen to be, but somehow or other, I can't help but look at this; it looks so awful big; seems like all creation could live here and then have lots of room besides. How would you like to live around here?"

"I wouldn't like it," Ben answered; "it would be tarnel lonesome out here, bout the same as being by myself; then besides I have a peculiar feeling which says to me that if I knew that I must always stay here, I'd be sure to go crazy in a week."

"Why don't you never talk serious? I'm in earnest about this," said Nason. "If I had some of this land, say a good sized farm, I would build me a cabin, and then if I had a wife, and mebbe later on some kids, I could enjoy the balance of my days here; that is, if the woman would like it; at least, I think now that I would like to do that."

"Why, hadn't you better advertise for a wife, or better still, shall I go further down in the territory and capture a squaw for you? I'll start at once if you say so."

"Ben, stop your nonsense for once, and tell me, if you don't sometimes get tired of the kind of life we lead?"

"Oh well, I suppose every one does that, and thinks something else would be better for him; but if you ask me if I want to live out here on the prairie I would say no, I couldn't stand that; neither could you. Why, you would not stay here a week."

"Well, you may be right, but I think I would like it, but I don't suppose that I would ever change my way of do'en; I guess that I'll keep on in my wickedness, and sometime get knocked over like Cap. Did you never think that when we jine Cap, which we will some of these times, there might be something arterwards, and mebby we'd be axed about some of the things we've done down here; that some of 'em would be counted ag'in us?"

"No, I don't allow myself to do that; I don't want to think; it's too much like work. When I feel blue I go and get a 'nip' if it's to be had; if not, I hunt some company."

"Wouldn't it be better for us to think of these things sometimes, old pard? Mebby the time's comin' when we'll hev to."

"Well, I never expected to hear this kind of talk from you. What's come over you? I only wish we had some of the real old stuff, it would do me more good than whole heaps of talk like

yours, and I'll just bet a dollar to a dime that your mouth is wateren for it."

"I reckon I wouldn't have the spunk to run from it; but ever since our talk last night about Cap, I've been thinking about my useless and bad life. The thoughts keep poppin' in my head; but, as I said afore, I suppose I'll go on till I keel over, and then take what comes after."

"Why of course you will keep on; there's many a good time for you, old boy, yet. You and me are young. We'll both live forty years more."

"Ben, do you know I have a kind of a queer feeling to-day, have had it all the morning; never had it before. You will laugh at me, I know, but I'll tell you anyhow. I feel as if I was going to die. There, I knew you would laugh; but it's no laughing matter to me. I think my time is about up. I remember my father said he had the same feeling a few hours before he was taken off. I'm not sick; feel as well as usual, but for all that I guess my time is about here."

"Why, Jim Nason, I used to think that you did have some sense, but now you haven't a little bit. Why you ought to be whipped for talking all that foolishness. You're in no more danger of dying than I am; what in the world got all that foolishness into your head, for that's all there is in it."

"Mebby you are right about it, but somehow

I am bound to believe this feelen that I have means somethen. I'd give this hoss I'm ridin' if I didn't have this curius feelin'."

"To-morrow, Nason, we will have a big laugh over this," said Mercer.

"I wish we may," replied Nason; "but Ben," he continued, "don't you sometimes weary of this sort of life and wish to change it?"

"Yes, at times I feel like that I would be glad of a change; for instance, when the "cops" nab me, or when they are about to run me in. I then feel that I should love to be good, that from that time on I'll be an awful good man." Changing his tone, he continued: "Nason, you've simply got a bad case of the blues, and you are making it worse by keeping up those gloomy thoughts. Why, man, you ought to be feelen tiptop. Here, you've just found your old pard, you are going to meet some fine fellers, have a good time and arrange for future business, so let's ride on; the longer we stay here the worse you get; but it's time to go on anyhow or we may be late."

We ought to state here, that the man that had left them the night before and the one they were going to meet was one of a gang of horse thieves; in fact the chief, for he was the one who managed to dispose of the horses. He would always buy any horse that any member of the gang brought to him. It's true that he only

paid a low price, but they were glad to get this. Without any further talk the men continued their journey.

Nason's face had not cleared; he still wore the same gloomy expression, and looked like a man who was expecting to receive bad news, and dreaded to hear it. He continued silent during the ride, only speaking when addressed by his companion.

Could it be that coming events had cast their shadows before, that he had a premonition of what would shortly befall him?

Who can say? Who can tell what mysterious warning may have been given him? Many persons believe that a knowledge of approaching death is sometimes made known to the person; and it's claimed that there are several authentic cases on record where persons in apparently good health have predicted and named the time of their death, and afterwards died at the time named.

Whether there is any truth in this, or not, Nason's face continued clouded, and looked as though he might be going to a funeral.

An hour's ride from where they had halted brought them in sight of Beaver Spring. This place was not a town or settlement, nothing more than a spring of good water. It was several miles to the nearest town, and some three or four miles to the nearest settler, and not being on any direct line of travel it had few visitors; this was

the reason it was selected as a place of meeting for the gang. When within about a half mile of the spring, Mercer stopped his horse and said:

"Jim, things don't look right down there; too many fellows around there; somethin's up, I believe."

"You said there was a gang of your fellows, mebby it's them."

"No, there's only six of us and I can count a dozen there; besides, there is a more secret place when we all meet. Well, we needn't stay here; le's go on and find out what's wrong and who they be; I'm not shore its safe fur us; it may be a crowd come after the boys, but if it is, they won't know us and we can say we are strangers and never been here before."

As they started towards the spring it was evident that the crowd there had seen the two horsemen.

As the two men rode nearer, they could see that there were some twelve or fifteen in the crowd.

They had all dismounted, and most of them had the bridle reins thrown over their arms, and were ready to mount their horses at a moment's notice. They had ridden only a few yards further when Mercer stopped his horse and exclaimed, "Great Cæsar, if them aint the fellers who chased me so close the other day. We must turn our horses and run for it."

"Ain't there no other way to do?" Nason enquired.

"No; if they ketch us they will hang us as sure as you live. See, they are mounten their horses now. It's life or death in this ride for us."

In the meantime, as he spoke the first word and recognized the crowd, he had turned the horses around, and now they were riding swiftly back over the way they came.

It seemed that they too had been recognized, or one of them, for the two men had scarcely turned their horses when one of the men shouted, "More horse-thieves! After them, boys; we must catch them if possible. Take them alive if you can, but we must have them dead or alive! One of those men is the feller who got away from us the other day."

There had been so many horses stolen in southwestern Kansas and in the Territory below for the last year or two that several of the citizens had determined to take the law in their own hands, and deal out summary punishment to any one caught in the act, or who they knew to be guilty.

They had organized about a week before this, and knowing that the gang had their headquarters in that vicinity, they were on the lookout; and one of the men had that morning recognized the leader and he at once made known his discovery to the others, and they had followed him

and another man to that point where they had ridden in on them and made them prisoners.

They had just bound them when Nason and Mercer were seen riding towards them. Leaving four of their number to guard the prisoners the rest joined in the chase.

The words above spoken were scarcely out of his mouth before his companions were mounted and riding after the two. The chase was now fairly on, pursued and pursuers had put their horses to their utmost speed, and they were flying over the prairie, Mercer and Nason riding for their lives and the others with a grim determination to capture the two. The whip was applied and the speed of the horses became tremendous.

It was soon evident that Mercer's horse was far the swiftest and that he was slowly gaining on all, while the distance between Nason and his pursuers remained about the same.

This was kept up for about one-half hour, when all at once one of the fore feet of Nason's horse slipped in one of those holes so common to a prairie country, and horse and rider went down in a heap, and the man lay motionless. The horse's leg was broken, and soon after the sufferings of the animal were ended by one of the men putting a bullet through its brain.

When the men reached Nason he was insensi-

ble, and from where he was lying it was believed that the horse had fallen on him.

This accident of Nason's caused the foremost men to stop a few moments, and when they turned to their horses and thought of continuing the pursuit of Mercer it was apparent that, with his mount and the start he had, it would be impossible to overhaul him unless he should meet with some accident, so they abandoned the chase and allowed Mercer to escape. But only for the time being, as some three days after the scenes just detailed, the body of an unknown man was found about one hundred miles southwest of Beaver Springs. He had been shot and scalped and otherwise mutilated, so as to render recognition impossible. It may have been that his death was the work of the Indians, or of white men who wished to make it appear that it was done by them.

We are inclined to believe that it must have been Mercer, from the fact that he would have been in that locality at about that time, and because up to this he has not been heard of since.

At first it was believed that Nason was dead, but on examination it was ascertained that his heart still beat faintly.

It's strange how quickly the feelings of men may be changed when they see the evidence of pain and suffering. A few minutes ago these

men were anxious to capture Nason dead or alive, but, on seeing his suffering and helpless condition, their sympathies were at once aroused, and they then prepared a rude couch or litter, placed him thereon and conveyed him to the nearest settlement with as much gentleness as they would have shown to a child.

This only goes to show that man, in this day and age, is not cruel, and also that his sympathies are easily aroused.

Finding this man thrown helpless on their hands, their pity and feelings were at once enlisted, while only a few minutes before if they could not have captured him alive, they would have killed him, rather than allow him to escape.

Nason was still insensible when they arrived at the hotel with him, or perhaps it had hardly reached the dignity of a hotel, but was more properly termed a boarding-house, in the town of Fourteenville, which was a new settlement, and only contained about a dozen houses.

He was carried to the parlor or best room, where a bed had been prepared for him. Here he was made as comfortable as possible until the arrival of the doctor or surgeon, who had been already sent for. He was there in a few moments, and after making an examination of Nason's wounds said that Nason's wounds being internal there was no possible chance of saving

his life, and it was only a question of a few hours until he would cross the unknown river of death. On being informed that he could only live a few more hours Nason did not appear to be surprised, but inquired of the physician if he was sure that he would live as much as two or three hours, and on being answered that he felt sure he would live that long, he sent for a notary public, and said when through with him he would want a minister.

The notary came almost immediately, and calling for writing materials, he was closeted with Nason for about one hour. He then called for two witnesses who signed their names to a long legal document. As the notary left the minister came and remained with him some time. Within a few minutes after the minister left, Nason passed away. Next day he was placed in a rude coffin and buried in the great prairie with nothing to mark his last resting place.

When the notary reached Nason's bedside, he was informed that he desired to make a confession. The notary then asked Nason if he knew he was going to die soon, and Nason answered that he did.

Nason's confession was then carefully taken down, read to him, signed by himself and witnesses.

The confession has heretofore been given in

this history. It was the planning and perpetration of the Monon robbery, committed in the year 1885.

Our work is done, the facts have been given, our task is ended; so we write,

THE END.

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